

The House Committee on Education offers the following substitute to SB 535:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local boards of education, so as to require local school systems to attain and
3 maintain accreditation; to provide for a definition for the term "accreditation"; to provide for
4 the removal of members of a local board of education of a school system which fails to attain
5 or maintain accreditation; to provide for procedures; to provide for the filling of vacancies;
6 to provide for election of subsequent members; to provide for powers, duties, and authority
7 of the State Board of Education; to provide for applicability of the foregoing with respect to
8 certain local laws and local constitutional amendments; to provide for related matters; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
13 boards of education, is amended by adding a new Code section to read as follows:

14 "20-2-72.

15 (a) As used in this Code section, the term 'accreditation' means system-wide accreditation
16 of a local school system or accreditation of every high school within a local school system
17 by the Southern Association of Colleges and Schools or other accrediting entity approved
18 by the State Board of Education.

19 (b) A local school system shall attain and maintain accreditation as follows:

20 (1) A school system which has attained accreditation as of July 1, 2008, shall be required
21 to maintain such accreditation; and

22 (2) A school system which has not attained accreditation as of July 1, 2008, shall be
23 required to attain accreditation no later than June 30, 2010.

24 (c) In the event a school system or every high school within the school system loses its
25 accreditation or fails to attain accreditation in accordance with the time frames established
26 pursuant to subsection (b) of this Code section, the State Board of Education shall notify

1 the appropriate election superintendent of the county or municipality whose geographical
 2 boundary is conterminous with that of the local board of education by forwarding a copy
 3 of a resolution adopted by the State Board of Education calling for a referendum on the
 4 question of removing the members of such local board of education.

5 (d) Upon receipt of such resolution, it shall be the duty of the election superintendent of
 6 such county or municipality to issue the call for a referendum for the purpose of submitting
 7 the question to the qualified electors of the county school district or independent school
 8 district for approval or rejection of whether each of the members of the local board of
 9 education should be immediately removed. The election superintendent shall issue the call
 10 and shall conduct the referendum on a date and in the manner authorized under Code
 11 Section 21-2-540. The election superintendent shall cause the date and purpose of the
 12 referendum to be published once a week for two weeks immediately preceding the date of
 13 the referendum in the official organ of such county. The ballot shall have written or printed
 14 thereon the following:

15 'Shall the following members of the board of education of (Name of County or City) be
 16 immediately removed from office because the school system has lost accreditation or not
 17 attained accreditation as required by law?

18 () YES (Member's Name)

19 () NO

20 () YES (Member's Name)

21 () NO

22 () YES (Member's Name)

23 () NO

24 () YES (Member's Name)

25 () NO

26 () YES (Member's Name)

27 () NO'

28 The ballot shall be structured so that there shall be a space for the name of each member
 29 of the board. All persons desiring to vote for removal of each of the board members shall
 30 vote 'Yes,' and persons desiring to vote against removal of each such board members shall
 31 vote 'No.' If more than one-half of the votes cast on such question are for removal of a
 32 board member, such member shall be removed from office. It shall be the superintendent's
 33 duty to certify the result of the referendum to the Secretary of State and to the State Board
 34 of Education. The expense of the referendum shall be borne by the county or municipality
 35 whose geographical boundary is conterminous with that of the local board of education.

1 (e) Upon certification by the election superintendent of approval of the referendum as
2 provided in subsection (d) of this Code section, the members of the board on which more
3 than one-half of the votes cast were for removal of such particular member or members
4 shall immediately be removed from office by operation of law, and the board member seat
5 or seats shall be deemed vacant. The State Board of Education shall, within 30 days of the
6 occurrence of the vacancies pursuant to this subsection, appoint a board member for each
7 vacancy resulting from this Code section who shall be otherwise qualified to serve as a
8 member of such board. Each such member shall serve for the remainder of the unexpired
9 term of office as applicable to the particular board seat to which he or she is appointed.
10 Thereafter, successors to such board member seats shall be elected in accordance with the
11 local law applicable to that local board of education.

12 (f) To the extent any provisions of any local law in effect on July 1, 2008, are in
13 contravention to the requirements of this Code section, this Code section shall supersede
14 and control over such provisions of such local law; provided, however, that in the event a
15 local school system is governed by a local constitutional amendment which has been
16 continued in force and effect as a part of the Constitution, such local constitutional
17 amendment shall supersede and control over this Code section to the extent that it is in
18 contravention to the requirements of this Code section."

19

SECTION 2.

20 All laws and parts of laws in conflict with this Act are repealed.