

House Bill 1445

By: Representatives Stephens of the 161st, Gordon of the 162nd, Stephens of the 164th, and Bryant of the 160th

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 provide for a period of residency for board
3 members; to provide that no person shall serve as a member of a local board of education
4 unless he or she possesses a high school diploma or a general educational development
5 diploma; to provide for applicability; to provide for staggered two-year terms, to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
10 boards of education, is amended by revising Code Section 20-2-51, relating to election of
11 county board members, persons ineligible to be members or superintendent, ineligibility for
12 local boards of education, and ineligibility for other elective offices, as follows:

13 "20-2-51.

14 (a) No person shall be eligible for election as a member of a local board of education who
15 is has not been a resident of the school district in which that person seeks election and of
16 the election district which such person seeks to represent for at least 12 months. Whenever
17 there is in a portion of any county a local school system having a board of education of its
18 own, receiving its pro rata of the public school fund directly from the State School
19 Superintendent and having no dealings whatever with the local board, then the members
20 of the board of such county shall be selected from that portion of the county not embraced
21 within the territory covered by such local system.

22 (b) Whenever a member of a local board of education moves that person's domicile from
23 the district which that person represents, such person shall cease to be a member of such
24 local board of education, and a vacancy shall occur.

25 (c)(1) No person employed by or serving on the governing body of a private educational
26 institution shall be eligible to serve as a member of a local board of education. No person

27 employed by a local board of education shall be eligible to serve as a member of that
 28 board of education. No person employed by the Department of Education or serving as
 29 a member of the State Board of Education shall be eligible to serve as a member of a
 30 local board of education. This paragraph shall not apply to institutions above the high
 31 school level.

32 (2) No person who has an immediate family member sitting on a local board of education
 33 or serving as the local school superintendent or as a principal, assistant principal, or
 34 system administrative staff in the local school system shall be eligible to serve as a
 35 member of such local board of education. As used in this paragraph, the term 'immediate
 36 family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling,
 37 or parent. This paragraph shall apply only to local board of education members elected
 38 or appointed on or after July 1, 2009. Nothing in this Code section shall affect the
 39 employment of any person who is employed by a local school system on or before July
 40 1, 2009, or who is employed by a local school system when an immediate family member
 41 becomes a local board of education member for that school system.

42 (d) In all counties of this state having a population of not less than 500,000 or more than
 43 600,000 according to the United States decennial census of 1990 or any future such census,
 44 the members of the county boards of education taking office after December 1, 1975, shall
 45 not hold any other elective governmental office. If any member of any such board should
 46 qualify at any time after December 1, 1975, for nomination or election to any other elective
 47 governmental office other than for membership on such county board, such member's
 48 position on such county board shall thereby become vacant. Such vacancy shall be filled
 49 as provided by the law applicable to any such county board.

50 (e) No person who is on the National Sex Offender Registry or the state sexual offender
 51 registry shall be eligible for election to or service on a local board of education.

52 (f) No person who does not possess a high school diploma or a general educational
 53 development (GED) diploma shall be eligible for election to or service on a local board of
 54 education. This subsection shall be applicable to persons elected or reelected in elections
 55 held after July 1, 2010."

56 SECTION 2.

57 Said article is further amended by revising Code Section 20-2-52, relating to terms of office
 58 of members of local boards of education, as follows:

59 "20-2-52.

60 Members of local boards of education shall be elected for staggered terms of ~~four~~ two years
 61 unless their terms are otherwise provided by local Act or constitutional amendment."

62

SECTION 3.

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