

House Bill 251 (AS PASSED HOUSE AND SENATE)

By: Representatives Morgan of the 39th, Kaiser of the 59th, Setzler of the 35th, and Dawkins-Haigler of the 93rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to provide the option for parents to enroll their
3 child in another school within the local school system or in a school in another local school
4 system; to provide for definitions; to provide for statutory construction; to provide for certain
5 notifications regarding available space in classrooms; to provide for nepotism restrictions for
6 eligibility for members of local boards of education and for local school superintendents; to
7 provide for related matters; to provide for an effective date and applicability; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
12 secondary education, is amended by adding a new article to read as follows:

13 "ARTICLE 34

14 20-2-2130.

15 As used in this article, the term:

16 (1) 'Department' means the Department of Education.

17 (2) 'Parent' means a biological parent, legal guardian, custodian, or other person with
18 legal authority to act on behalf of a child.

19 20-2-2131.

20 (a)(1) Beginning in school year 2009-2010, the parent of a student enrolled in a public
21 elementary or secondary school in this state may elect to enroll such student in a public
22 school that is located within the school system in which the student resides other than the
23 one to which the student has been assigned by the local board of education if such school

24 has classroom space available after its assigned students have been enrolled. The parent
 25 shall assume the responsibility and cost of transportation of the student to and from the
 26 school.

27 (2) No later than July 1, 2009, each local school system shall establish a universal,
 28 streamlined process available to all students to implement the transfer requirements of
 29 paragraph (1) of this subsection.

30 (3) A student who transfers to another school pursuant to this subsection may, at his or
 31 her election, continue to attend such school until the student completes all grades of the
 32 school.

33 (4) This subsection shall not be construed to affect any student currently attending a
 34 school other than the school to which the student has been assigned by the local board of
 35 education pursuant to a transfer authorized under the federal No Child Left Behind Act
 36 (P.L. 107-110).

37 (b) The department shall establish a model universal, streamlined process to implement
 38 the transfer provisions of this Code section. Each local board of education shall adopt a
 39 universal, streamlined transfer process that includes, at a minimum, such state model. Such
 40 local process shall include a deadline for submitting transfer requests.

41 (c) Each local school system shall annually notify prior to each school year the parents of
 42 each student by letter, electronic means, or by such other reasonable means in a timely
 43 manner of the options available to the parent under this article.

44 (d) The local school system shall notify parents by July 1 of each year which schools have
 45 available space and to which of these schools parents may choose to request a transfer for
 46 their children.

47 (e) This Code section shall not apply to charter schools.

48 (f) This Code section shall not apply to newly opened schools with available classroom
 49 space for a period of four years after the school opens."

50 **SECTION 2.**

51 Said chapter is further amended by revising subsection (c) of Code Section 20-2-51, relating
 52 to election of county board of education members, persons ineligible to be members or
 53 superintendent, ineligibility for local boards of education, and ineligibility for other offices,
 54 as follows:

55 "(c)(1) No person employed by or serving on the governing body of a private educational
 56 institution shall be eligible to serve as a member of a local board of education. No person
 57 employed by a local board of education shall be eligible to serve as a member of that
 58 board of education. No person employed by the Department of Education or serving as
 59 a member of the State Board of Education shall be eligible to serve as a member of a

60 local board of education. This ~~subsection~~ paragraph shall not apply to institutions above
61 the high school level.

62 (2) No person who has an immediate family member sitting on a local board of education
63 or serving as the local school superintendent or as a principal, assistant principal, or
64 system administrative staff in the local school system shall be eligible to serve as a
65 member of such local board of education. As used in this paragraph, the term 'immediate
66 family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling,
67 or parent. This paragraph shall apply only to local board of education members elected
68 or appointed on or after July 1, 2009. Nothing in this Code section shall affect the
69 employment of any person who is employed by a local school system on or before July
70 1, 2009, or who is employed by a local school system when an immediate family member
71 becomes a local board of education member for that school system."

72 **SECTION 3.**

73 Said chapter is further amended by revising subsection (b) of Code Section 20-2-101, relating
74 to appointment of county school superintendents, as follows:

75 "(b)(1) No person shall be eligible to be appointed or employed as superintendent of
76 schools of any county or independent school system unless such person is of good moral
77 character, has never been convicted of any crime involving moral turpitude, and
78 possesses acceptable business or management experience as specified by the Professional
79 Standards Commission or the minimum valid certificate or a letter of eligibility for said
80 certificate required by the Professional Standards Commission.

81 (2) No person shall be eligible to be appointed, employed, or to serve as superintendent
82 of schools of any county or independent school system who has an immediate family
83 member sitting on the local board of education for such school system or who has an
84 immediate family member hired as or promoted to a principal, assistant principal, or
85 system administrative staff on or after July 1, 2009, by that school system. As used in
86 this subsection, the term 'immediate family member' shall have the same meaning as in
87 subsection (c) of Code Section 20-2-51. Nothing in this Code section shall affect the
88 employment of any person who is employed by a local school system on or before July
89 1, 2009, or who is employed by a local school system when an immediate family member
90 becomes the superintendent for that school system."

91 **SECTION 4.**

92 This Act shall become effective upon its approval by the Governor or upon its becoming law
93 without such approval.

94

SECTION 5.

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