

Senate Bill 84

By: Senators Jones of the 10th and Carter of the 42nd

A BILL TO BE ENTITLED  
AN ACT

1 To provide a code of ethics for the DeKalb County School System; to provide for definitions;  
2 to provide for prohibited practices; to provide for disclosure of financial interests in contracts  
3 or matters pending before the board; to prohibit use of school system property for personal  
4 benefit; to provide that contracts are voidable in certain circumstances; to provide for  
5 hearings; to provide for an Ethics Commission and the appointment, terms of office,  
6 qualifications, and organization of members; to provide for duties and powers of the Ethics  
7 Commission, including investigation, procedures, hearings, and actions; to provide for  
8 procedures relating to indictments; to provide for immunity; to provide for circumstances  
9 when a board member shall not be in violation; to provide for removal from office of board  
10 members; to provide for whistleblower protection; to provide for a code of ethics oath; to  
11 amend an Act establishing in DeKalb County districts from which the members of the county  
12 board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as  
13 amended, particularly by an Act approved January 28, 1982 (Ga. L. 1982, p. 3797), so as to  
14 add a qualification for board members; to provide for related matters; to provide for an  
15 effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Definitions.

19 As used in this Act, the term:

- 20 (1) "Board" means the DeKalb County Board of Education.
- 21 (2) "Commission" or "Ethics Commission" means the Ethics Commission created by
- 22 Section 7 of this Act.
- 23 (3) "Relative" means an individual who is related to the elected official, appointed officer,
- 24 or employee as father, mother, son, daughter, brother, sister, husband, wife, grandfather,
- 25 grandmother, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law,

26 daughter-in-law, or son-in-law; any other relative living in the household of the elected  
 27 official, appointed officer, or employee; a person who is engaged to be married to the  
 28 elected official, appointed officer, or employee or who otherwise holds himself or herself  
 29 out as or is generally known as the person whom the elected official, appointed officer, or  
 30 employee intends to marry or with whom the elected official, appointed officer, or  
 31 employee intends to form a household; or any other natural person having the same legal  
 32 residence as the elected official, appointed officer, or employee.

33 (4) "School system" means the DeKalb County School System.

## 34 SECTION 2.

### 35 Conflict of interest.

36 (a) Except as otherwise provided by general law, no elected official, appointed officer, or  
 37 employee of the DeKalb County School System or of any office, department, or agency  
 38 thereof shall knowingly:

39 (1) Engage in any business or transaction with or have a financial or other personal  
 40 interest, direct or indirect, in the affairs of the school system which would result in a  
 41 financial benefit, except for a financial benefit of a nominal or incidental amount, to the  
 42 official, appointed officer, or employee or to a relative of such person or which would tend  
 43 to impair the independence of judgment or action in the performance of official duties;

44 (2) Engage in or accept private employment from or render services for private interests  
 45 when such employment or service is incompatible with the proper discharge of that  
 46 person's official duties or would tend to impair his or her independence of judgment or  
 47 action in the performance of his or her official duties;

48 (3) Disclose information or use information, including information obtained at meetings  
 49 which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the  
 50 property, government, or affairs of the school system or any office, department, or agency  
 51 thereof that is not available to members of the general public and gained by reason of his  
 52 or her official position for his or her personal gain or benefit, to advance his or her financial  
 53 or other private interest, or to advance the financial or private interest of any other person  
 54 or business entity;

55 (4) Represent private interests in any action or proceeding against the school system or any  
 56 office, department, or agency thereof;

57 (5) Vote or otherwise participate in the negotiation or the making of any contract with any  
 58 business or entity in which he or she, or his or her relative, has a financial interest;

59 (6) Solicit, accept, or agree to accept gifts, loans, gratuities, entertainment, transportation,  
 60 lodging, meals, any ticket of admission, discounts, payment, or service, except those of a

61 value less than \$50.00, from any employee, student, parent, person, firm, or corporation  
62 which to his or her knowledge is interested directly or indirectly in any manner whatsoever  
63 in business dealings with the school system or any office, department, or agency thereof;  
64 provided, however, that an elected official who is a candidate for public office may accept  
65 campaign contributions and services in connection with any campaign;

66 (7) Advertise business and professional services to the school system or its employees for  
67 personal gain;

68 (8) Use district resources for personal or commercial enterprise;

69 (9) Vote or otherwise participate in an appointment, employment, or promotion decision  
70 related to a relative;

71 (10) Vote or otherwise participate in an appointment, employment, or promotion decision  
72 of a person when the public official knows or should know that such vote or participation  
73 would create a direct or indirect monetary benefit or economic opportunity;

74 (11) Have a personal interest, directly or indirectly, in school real estate, school textbooks,  
75 or school materials and supplies of any kind whatsoever;

76 (12) Sell, solicit, or offer for sale to the board or to any official or employee of the board,  
77 directly or indirectly, any kind of school real estate, school textbooks, or school materials  
78 and supplies, or receive any salary, bonus, or commission on any such sale;

79 (13) Have a financial interest in school buses or bus equipment or supplies, provide  
80 services for buses owned by the board, or sell gasoline to the board from a corporation in  
81 which the board member is a shareholder; or

82 (14) Vote or participate in discussions or deliberations at any meeting of the board or any  
83 committee of the board on any issue before the board in which the board member or a  
84 relative of the board member has matters involving consideration of his or her conduct,  
85 matters which would inure to his or her financial or personal interests, or matters which  
86 would be a conflict of interest as provided in this Act. Such board member shall, prior to  
87 the vote being taken, publicly state during the meeting the nature of his or her interest in  
88 the matter from which he or she is abstaining from voting and shall within ten days of such  
89 abstention disclose the nature of his or her interest as a public record in a memorandum  
90 filed with the board secretary who shall incorporate the memorandum into the minutes of  
91 the meeting.

92 (b)(1) No board member, superintendent, or general counsel may, within one year after  
93 retirement or termination from such position or employment:

94 (A) Act as agent or attorney for an employee or board member before a tribunal or board  
95 hearing; or

96 (B) Knowingly attempt to influence, on behalf of any other person, the school system,  
 97 including its employees and board members, in connection with any matter in which the  
 98 school system has a direct interest.

99 (2) No board member as a consequence of his or her board position may accept any  
 100 honoraria. As used in this paragraph, the term "honoraria" means a payment of money or  
 101 anything of value for any appearance, discussion, speech, or article by such board member  
 102 or for travel and subsistence expenses in excess of any actual and necessary expenses in  
 103 connection with such appearance, discussion, or speech.

### 104 SECTION 3.

#### 105 Disclosures.

106 (a) Any elected official, appointed officer, or employee of the school system who has any  
 107 financial interest, directly or indirectly, in any contract or matter pending before or within  
 108 any office, department, or agency of the school system shall disclose such interest in writing  
 109 to the board. Any board member who has a financial interest in any contract or matter  
 110 pending before the board shall disclose such interest, in writing, and such disclosure shall be  
 111 entered on the records of the board. The disclosure of any salary received by a board  
 112 member from the school system or any entity doing business with the school system may be  
 113 accomplished by naming the entity and position held by the board member with such entity.  
 114 Interest and dividends from entities doing business with the school system which are listed  
 115 on a national stock exchange or have more than 100 stockholders do not have to be disclosed.  
 116 Likewise, the disclosure of any salary received by an immediate relative of the board  
 117 member may be accomplished by naming the relative and the position held. The board  
 118 member also shall disqualify himself or herself from participating in any decision or vote  
 119 relating thereto.

120 (b) Prior to January 31 of each year, each elected official shall disclose publicly the identity  
 121 of any relative employed by the school system to the board on such form as prescribed by  
 122 the board.

### 123 SECTION 4.

#### 124 Use of public property.

125 No elected official, appointed officer, or employee of the school system shall use property  
 126 of the school system for personal use, benefit, or profit except in accordance with policies  
 127 and procedures promulgated by the board.

128 **SECTION 5.**

129 Contracts voidable and rescindable.

130 Any contract between the DeKalb County School System and another party shall be voidable  
 131 or rescindable at the discretion of the board at any time if any elected official, appointed  
 132 officer, or employee has any interest in such contract and does not disclose such interest in  
 133 accordance with the provisions within this Act.

134 **SECTION 6.**

135 Hearings and determinations; penalties for violations.

136 Elected officials, appointed officers, and employees of the school system may be punished  
 137 for violation of the provisions within this Act as follows:

138 (1) The members of the board shall be subject to removal from office as provided in this  
 139 Act;

140 (2) Appointed officers and employees not subject to civil service or covered by the  
 141 provisions of O.C.G.A. Section 20-2-940, et seq., shall have the right to request a hearing  
 142 before the board upon written charges being provided to such officer or employee. At such  
 143 hearing, the officer or employee shall have the right to be heard, to be represented by  
 144 counsel, and to require the attendance of witnesses and the production of relevant books  
 145 and papers. If, after the hearing, the accused is found guilty as charged, he or she may be  
 146 suspended or dismissed from the service of the school system by a majority vote of the  
 147 members of the board.

148 (3) Employees covered by the provisions of O.C.G.A. Section 20-2-940, et seq., shall be  
 149 subject to suspension, dismissal, or nonrenewal in accordance with the provisions of that  
 150 general law; and

151 (4) Employees subject to civil service rules, upon a violation of this Act, shall be subject  
 152 to suspension or dismissal in accordance with the provisions of this Act and the personnel  
 153 rules and regulations adopted by the board.

154 **SECTION 7.**

155 Ethics Commission.

156 (a) *Creation of Ethics Commission.* The board shall establish a seven-member Ethics  
 157 Commission. Members of the commission shall be appointed by the board for staggered  
 158 five-year terms. When the commission is first established, two persons will be appointed to  
 159 serve five-year terms, one person will be appointed to serve a four-year term, two persons

160 will be appointed to serve three-year terms, one person will be appointed to serve a two-year  
161 term, and one person will be appointed to serve a one-year term. Each member of the  
162 commission shall hold office from the date of appointment until the end of the term for which  
163 he or she was appointed or until his or her successor qualifies for office. Members of the  
164 commission shall not be eligible for reappointment. If a vacancy occurs on the commission,  
165 the board shall within 90 days appoint a person to fill the unexpired term.

166 (b) *Qualifications.* A person is eligible to serve as a member of the Ethics Commission if  
167 that person, while serving:

- 168 (1) Resides in DeKalb County and is a registered voter;
- 169 (2) Is not an employee of the DeKalb County Board of Education or a relative or business  
170 associate of any member of the board;
- 171 (3) Does not hold any elective or appointive office and is not a candidate for any office in  
172 the governments of the United States, the State of Georgia, or DeKalb County;
- 173 (4) Has not provided a financial contribution of more than \$100.00 to, or worked  
174 significantly in, the political campaign of any current member of the board;
- 175 (5) Is not a relative of a person who provided a financial contribution of more than  
176 \$100.00 to, or worked significantly in, the political campaign of any current member of the  
177 board; and
- 178 (6) Has not been convicted of a felony and has not been convicted of a misdemeanor in the  
179 past ten years.

180 (c) *Duties and powers.* The Ethics Commission shall have the following duties and powers:

- 181 (1) To receive and hear complaints of violations by board members of standards  
182 established by this Act, the code of ethics, or applicable state or federal law;
- 183 (2) Upon receipt of a complaint, to conduct investigations as it deems necessary to  
184 determine whether any board member has violated any standards established by this Act,  
185 the code of ethics, or applicable state or federal law. An affirmative vote of three members  
186 is required to initiate an investigation. For the purpose of conducting a meeting or hearing,  
187 five members shall constitute a quorum and five affirmative votes are required to issue any  
188 finding;
- 189 (3) To take appropriate action as a result of a violation of the standards established by this  
190 Act, the code of ethics, or applicable state or federal law;
- 191 (4) To request funding from the board in order to conduct a hearing and to use any funds  
192 provided to conduct hearings;
- 193 (5) To establish policies and procedures for conducting meetings and hearings of the  
194 commission; and
- 195 (6) To perform any other function authorized by this Act.

196 (d) *Organization of the Ethics Commission.*

197 (1) Members of the Ethics Commission shall be compensated on a per meeting basis at a  
198 rate determined by the board.

199 (2) The Ethics Commission shall elect one member to act as chairperson for a term of two  
200 years or until a successor is duly elected. The chairperson shall have the same voting rights  
201 as the other commission members. The commission shall also elect one member to act as  
202 vice chairperson for the same term. If the office of chairperson or vice chairperson is  
203 vacated in any manner before the expiration of the term, the commission shall elect a  
204 member to fill the unexpired term.

205 (3) The board may remove a commission member for neglect of duty, misconduct in  
206 office, or a disability rendering the member unable to discharge the powers and duties of  
207 the office as specified in this Act, for no longer qualifying for the position as specified in  
208 this Act, or for any reason that would justify the removal of a member of a board of  
209 education.

210 (4) There shall be no scheduled regular monthly or bimonthly meetings of the commission.  
211 The chairperson shall call meetings as the chairperson deems necessary. A meeting can  
212 also be called by written notice signed by at least four members of the commission. All  
213 meetings of the commission shall be open to the public. The purpose of the public  
214 meetings shall be to hear and dispose of complaints or to render advisory opinions as set  
215 forth in this section.

216 (5) The board office will provide staff support to the Ethics Commission.

217 (6) The Ethics Commission shall be governed by and subject to the provisions of this  
218 section. No official action, except as outlined in this section, shall be taken by the  
219 commission. If a commission member has a conflict of interest involving any matter  
220 before the commission or must otherwise disqualify himself or herself under the conditions  
221 of this Act or by law, the remaining commission members shall choose by majority vote  
222 an alternative person who meets all qualifications set out above to hear the complaint.

223 (e) *Complaint and investigation procedures.*

224 (1) Any citizen eligible to vote in DeKalb County and any employee of the DeKalb  
225 County School System may file a complaint alleging a violation of the standards  
226 established by this Act, the code of ethics, or other applicable state or federal law by filing  
227 it with the chairperson to the board. The complaint shall be in writing and verified under  
228 oath.

229 (2) The chairperson of the board shall immediately deliver the complaint to the  
230 chairperson of the Ethics Commission or a designee and shall also immediately forward  
231 a copy of the complaint by certified and regular mail to the board member against whom  
232 the complaint was filed, along with a copy to the superintendent and general counsel of the  
233 school system. A complaint must be filed within six months of the date of the alleged

234 violation or, in the case of concealment or nondisclosure, within six months of the date the  
235 alleged violation should have been discovered after due diligence.

236 (3) Within 60 days of receipt of a complaint, the Ethics Commission shall conduct and  
237 conclude an investigation to determine whether good and sufficient cause exists concerning  
238 the complaint. During the investigation, the commission has the power to secure necessary  
239 documents. The superintendent shall ensure that school system employees cooperate with  
240 any commission investigation. The investigation shall not be open to the public. The  
241 commission shall not receive live testimony as part of the investigation. If, after  
242 conducting an investigation, the commission by majority vote determines that no good and  
243 sufficient cause exists for a determination that a violation exists, the commission may  
244 dismiss the complaint and shall report said dismissal to the board.

245 (f) *Ethics Commission hearings.* If the commission determines that good and sufficient  
246 cause exists for a determination that a violation has occurred, or if the board refers a case  
247 against a board member as provided in Section 8 of this Act, a formal public hearing shall  
248 be conducted. The commission shall notify the board member charged with a violation of  
249 the date, time, and place for the hearing by certified and regular mail. At the hearing, the  
250 commission shall hear sworn testimony from all witnesses it deems relevant. The hearing  
251 shall be recorded by a certified court reporter. The commission is authorized to issue  
252 subpoenas on behalf of any party and for the appearance of any party or documents as  
253 provided by law. Upon conclusion of the hearing, the commission shall issue written  
254 findings of fact and conclusions of law and take, but shall not be limited to taking, one or  
255 more of the following actions:

256 (1) Find that the board member did not violate any of the standards established by this Act,  
257 the code of ethics, or other applicable state or federal law; upon a finding that an initial  
258 complaint was filed without justification or was supported by erroneous information or  
259 evidence, the commission may recommend that the board reimburse the accused board  
260 member up to \$2,500.00 in actual attorney fees and costs;

261 (2) Censure or reprimand of the member of the board;

262 (3) To the extent applicable, file criminal charges against the board member; or

263 (4) Recommend removal of the board member.

264 Formal hearings shall be open to the public and shall comply with all state and federal open  
265 meetings and open records laws.

266 (g) *Actions of the commission.* If the Ethics Commission finds the board member has:

267 (1) Breached the confidentiality of privileged information, including statements made in  
268 an executive session of the board;

269 (2) Violated local, state, or federal laws, policies, rules, and regulations regarding fraud  
270 and fraudulent activities;

- 271 (3) Engaged in conflicts of interest;
- 272 (4) Used school system contacts and privileges to promote partisan politics or sectarian  
273 religious views;
- 274 (5) Voted on or influenced in any way a decision or action by the board or a school system  
275 employee that directly affects the board member or any of his or her relatives;
- 276 (6) Discussed or otherwise communicated with vendors, individuals, or groups who are  
277 soliciting business from the school system regarding the subject of the solicitation or any  
278 matter related to the solicitation once the solicitation is issued by the school system and  
279 until such time as the board has rendered a decision on the solicitation; or
- 280 (7) Consistently, intentionally, and willfully violated the procedures, norms, rules, or  
281 regulations regarding the prohibition against involvement in the day-to-day operation of  
282 the school system,

283 then the Ethics Commission must find that the board member should be removed from office.

284 (h) *Notice; rejection or modification of the commission's action.* The Ethics Commission  
285 will notify the board and board member of its action by sending a certified letter to the  
286 chairperson of the board and the board member who is the subject of the investigation.  
287 Within 30 days of receipt of the notice from the commission, the board may reject or modify  
288 the action of the commission, but only by a three-fourths' vote of the board.

289 (i) *Suspension and removal of member.* If the Ethics Commission finds that the board  
290 member should be removed from office, then the board member is automatically and  
291 immediately suspended from the board. If the board accepts, by majority vote, the findings  
292 of the Ethics Commission or if, after the 30 day period specified in subsection (h) of this  
293 section, the board has not rejected the findings of the Ethics Commission that the board  
294 member should be removed from office, the board member is automatically and immediately  
295 removed from the board.

296 (j) *Appeals.* Any board member sought to be removed from office as provided in this  
297 section shall have the right of appeal from the decision of the board to the Superior Court of  
298 DeKalb County. Such appeal shall be governed by the same rules as govern appeals to the  
299 superior court from the probate court.

300 (k) *Indictment.* Upon indictment of a board member for a felony by a grand jury of this state  
301 or by the United States that relates to the performance or activities of the office of board  
302 member, the Ethics Commission shall be authorized to conduct an investigation and a  
303 hearing in accordance with this section. If the Ethics Commission determines that the  
304 indictment relates to and adversely affects the administration of the office of the indicted  
305 board member and that the rights and interests of the public are adversely affected thereby,  
306 the Ethics Commission shall recommend that the board suspend the board member  
307 immediately and without further action pending the final disposition of the case or until the

308 expiration of the board member's term of office, whichever occurs first. During the term of  
309 office to which such board member was elected and in which the indictment occurred, if a  
310 nolle prosequi is entered, if the board member is acquitted, or if after conviction the  
311 conviction is later overturned as a result of any direct appeal or application for a writ of  
312 certiorari, the board member shall be immediately reinstated. While a board member is  
313 suspended under this subsection and until initial conviction by the trial court, the board  
314 member shall continue to receive the compensation from such office. After initial conviction  
315 by the trial court, the board member shall not be entitled to receive the compensation from  
316 such office. If the board member is reinstated to office, he or she shall be entitled to receive  
317 any compensation withheld under the provisions of this subsection. For the duration of any  
318 suspension under this subsection, the board shall appoint a replacement member. Upon a  
319 final conviction with no appeal or review pending, the office shall be declared vacant and a  
320 successor to that office shall be chosen as provided by law. After any suspension is imposed  
321 under this subsection, the suspended board member may petition the board for a review. The  
322 board may direct the Ethics Commission to review the suspension. The commission shall  
323 make a written report within 14 days. If the commission recommends that the board member  
324 be reinstated, the board member shall immediately be reinstated to office by the board. The  
325 provisions of this subsection shall not apply to any indictment handed down prior to July 1,  
326 2011.

327 (l) *Civil recovery.* The Board of Education shall take appropriate legal action to recover the  
328 value of anything received by any person or persons in violation of the standards established  
329 by this Act, the code of ethics, or applicable state or federal law, as determined by the Ethics  
330 Commission. A taxpayer, pursuant to applicable law, may take such legal action after a  
331 written demand to the board to bring such action and failure of the board to initiate the action  
332 within 60 days after receipt of the demand.

333 (m) *Official's liability.* No member of the Ethics Commission or any person acting on behalf  
334 of the Ethics Commission, operating within the course and scope of this section, shall be  
335 liable to any person for any damages arising out of such action.

336 (n) *Safe harbor.* Notwithstanding anything in this Act to the contrary, a board member may  
337 not be found in violation of the provisions of this Act if:

338 (1) The board member, prior to engaging in the conduct, completely disclosed the  
339 existence of the issue or matter to the board at a public meeting;

340 (2) The board member sought and received a public legal opinion from the legal  
341 department; and

342 (3) The board member acted in reliance on that legal opinion.

343 However, a board member shall nonetheless be subject to an adverse finding upon a  
344 determination that the disclosure to the board was not sufficiently complete or was materially

345 false or misleading. Additionally, citizens who report alleged violations in good faith shall  
 346 not be subject to any reprisal by the individual board member or the board as a whole.

347 **SECTION 8.**

348 Removal or suspension of board members.

349 (a) Pursuant to the provisions in this Act, a member of the board shall be subject to  
 350 suspension or removal from office for any of the following causes:

- 351 (1) Incompetence, misfeasance, or malfeasance in office;  
 352 (2) Failure at any time to possess any of the qualifications of office as provided by law;  
 353 (3) Violation of Section 2, 3, or 4 of this Act, relating to conflicts of interest, disclosures,  
 354 and use of public property, respectively;  
 355 (4) Violation of the oath of office provided in Section 10 of this Act;  
 356 (5) Abandonment of office or neglect to perform the duties of office; or  
 357 (6) Failure for any other cause to perform the duties of office as required by the provisions  
 358 in this Act or by law.

359 (b) Removal or suspension of a board member pursuant to subsection (a) of this section shall  
 360 be accomplished as provided in this subsection. In the event a member of the board is sought  
 361 to be removed or suspended by the board, the board will refer the matter to the Ethics  
 362 Commission stating the basis for removing the board member. The Ethics Commission shall  
 363 notify the board member and conduct a hearing as specified in subsection (f) of Section 7 of  
 364 this Act.

365 **SECTION 9.**

366 Whistleblower protection.

367 (a) The board or school system shall not discharge, threaten, or otherwise discriminate  
 368 against a complainant or an employee or official acting on behalf of a complainant regarding  
 369 compensation, terms, conditions, location, or privileges of employment because:

- 370 (1) The complainant or employee or official acting on behalf of the complainant reports  
 371 or is about to report, verbally or in writing, a violation or a suspected violation of this Act,  
 372 the code of ethics, or other applicable state or federal law; or  
 373 (2) A complainant or employee or official acting on behalf of the complainant is requested  
 374 by the Ethics Commission to participate in an investigation, hearing, or inquiry held by the  
 375 Ethics Commission or any related court action;

376 provided, however, that this section shall not apply to a complainant or an employee or  
 377 official acting on behalf of a complainant who knowingly makes a false report.

378 (b) Nothing in this section shall limit or prohibit the school system from taking disciplinary  
 379 action against a whistleblower as a result of the whistleblower's misconduct that may be  
 380 revealed, discovered, or uncovered as a result of a report or an attempted report of an ethics  
 381 violation.

382 **SECTION 10.**

383 Code of ethics oath.

384 At the first regular meeting of the board in January following each regular election, each  
 385 board member will read and sign the following code of ethics:

386 "As a member of the DeKalb County Board of Education, I will strive to improve public  
 387 education, and to that end I will:

- 388 (1) Make decisions based on what is best for students in all cases;  
 389 (2) Recognize that authority rests with the board as a whole and make no personal  
 390 promises or take any independent action that might compromise the board as a whole;  
 391 (3) Maintain honest, equitable, and professional relationships with fellow board members;  
 392 (4) Observe local, state, and federal laws, policies, rules, and regulations;  
 393 (5) Base my decisions upon all available facts, vote my convictions in every case, remain  
 394 unswayed by bias of any kind, and uphold the majority decision of the board once a  
 395 decision is made;  
 396 (6) Vote in accordance with what is best for the district as a whole;  
 397 (7) Maintain the confidentiality of privileged information, including statements made in  
 398 any executive session of the board;  
 399 (8) Focus on the board's role of policymaking and evaluation and not become involved in  
 400 the day-to-day operations of the school system;  
 401 (9) Support cooperation between the school system and the community;  
 402 (10) Refer complaints, comments, and criticism to the superintendent and not to other staff  
 403 unless otherwise provided by law;  
 404 (11) Support school system staff in the proper performance of their duties;  
 405 (12) Communicate the reaction of the community and other key stakeholders to board  
 406 policies to other board members and the superintendent;  
 407 (13) Disclose by December 31 of each year through a written report to be maintained by  
 408 the board for public inspection the source, nature, and amount of any income or other item  
 409 of value received by me or any immediate relative, directly or indirectly, from the school  
 410 system itself, any employee of the school system, or any entity doing or seeking to do  
 411 business with the school system;

412 (14) Provide full documentation in the form of receipts or other evidence of payment in  
 413 accordance with accepted accounting practices or a daily mileage log for any expense for  
 414 which reimbursement is requested from the school system; and

415 (15) Ensure that my behavior, as a reflection on the school system, is above reproach at  
 416 all times.

417 Furthermore, I understand that I will be removed from the board if the Ethics Commission  
 418 finds that I have:

419 (1) Breached the confidentiality of privileged information, including statements made in  
 420 an executive session of the board;

421 (2) Violated local, state, and federal laws, policies, rules, and regulations regarding fraud  
 422 and fraudulent activities;

423 (3) Become engaged in conflicts of interest;

424 (4) Used school system contacts and privileges to promote partisan politics or sectarian  
 425 religious views;

426 (5) Voted on or influenced in any way a decision or action by the board or a school system  
 427 employee that directly affects me or any of my relatives;

428 (6) Discussed or otherwise communicated with vendors, individuals, or groups who are  
 429 soliciting business from the school system regarding the subject of the solicitation or any  
 430 matter related to the solicitation once the solicitation is issued by the school system and  
 431 until such time as the board has rendered a decision on the solicitation; or

432 (7) Consistently, intentionally, and willfully violated the procedures, norms, rules, or  
 433 regulations regarding the prohibition against involvement in the day-to-day operation of  
 434 the school system.

435 For the purposes of this statement, the term 'relative' is as defined in Section 1 of the Act  
 436 establishing the Ethics Commission for the DeKalb County Board of Education.

437 Member signature: \_\_\_\_\_

438 Date: \_\_\_\_\_".

439 **SECTION 11.**

440 An Act establishing in DeKalb County districts from which the members of the county board  
 441 of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended,  
 442 particularly by an Act approved January 28, 1982 (Ga. L. 1982, p. 3797), is amended by  
 443 striking Section 4 in its entirety and substituting in lieu thereof a new Section 4 to read as  
 444 follows:

445 "SECTION 4.

446 The board of education established herein shall consist of a member from each of the school  
 447 board districts and posts created by Section 1 of this Act. Each member of the board of

448 education shall be elected by the qualified voters of DeKalb County residing within the  
449 respective school board district. Each candidate for membership on said board shall have  
450 been a resident of the school board district which the candidate offers to represent for at least  
451 one year as of the date of taking office. No person shall be eligible to be a candidate for the  
452 board who has been convicted of a felony or who has been convicted of a misdemeanor in  
453 the past ten years from the date of the election. Any member of said board shall immediately  
454 be disqualified to continue serving as a member of said board if such member ceases to be  
455 a resident of the member's respective school board district, if the member qualifies as a  
456 candidate for any other federal, state, or county elective office, or if the member is convicted  
457 of a felony or misdemeanor. A candidate for election to said board shall designate the school  
458 board district and the post, when applicable, for which the candidate is offering for election."

459 **SECTION 12.**

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

462 **SECTION 13.**

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