

House Bill 603

By: Representative Long of the 61st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to continue the existence of the Atlanta Independent School System under
2 the management and control of the Atlanta Board of Education, approved June 3, 2003 (Ga.
3 L. 2003, p. 4154), so as to modify provisions relating to the Atlanta Board of Education; to
4 provide for the appointment and terms of the members of the Atlanta Board of Education;
5 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
6 other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 An Act to continue the existence of the Atlanta Independent School System under the
10 management and control of the Atlanta Board of Education, approved June 3, 2003 (Ga. L.
11 2003, p. 4154), is amended in Section 2-101, as follows:

12 "SECTION 2-101.
13 Composition; term of office.

14 (a) The Atlanta Board of Education shall be composed of nine members. One member, who
15 shall serve as the chairperson of the Atlanta Board of Education, shall be elected city wide.
16 The remaining eight members shall be appointed as follows: two members shall be
17 appointed by the Governor; two members shall be appointed by the Mayor of the City of
18 Atlanta; two members shall be appointed by the Atlanta City Council; and two members shall
19 be appointed as determined by a majority decision of the members of the General Assembly
20 whose district lies partially or entirely within the city limits of the City of Atlanta.

21 (b) Members of the Board shall hold their respective offices for a term of two years and until
22 their respective successors are elected and qualified."

23 **SECTION 2.**

24 Said Act is further amended in Section 2-103, as follows:

25 "SECTION 2-103.

26 First appointments and election.

27 (a) The Board of Education of the City of Atlanta which existed on January 1, 2011, is
 28 continued in existence. The Board so continued shall continue to have the powers, duties,
 29 rights, obligations, and liabilities of that board as existed immediately prior to the effective
 30 date of this Act.

31 (b) Those members of the Board who are serving as such on the effective date of this Act
 32 and any person selected to fill a vacancy in any such office shall continue to serve as such
 33 members until the expiration of such term of office. The vacancy created by the first term
 34 to expire following the effective date of this Act shall be filled by the Chairman of the Board
 35 of Education, as determined by city-wide election immediately preceding the expiration of
 36 such term. As the remaining terms of office expire, members shall be appointed to new
 37 terms in the following order: two members to be appointed by the Governor; two members
 38 to be appointed by the Mayor of the City of Atlanta; two members to be appointed by the
 39 Atlanta City Council; and two members to be appointed by a majority decision of the
 40 members of the General Assembly whose district lies partially or entirely within the city
 41 limits of the City of Atlanta.

42 (c) The members of the Board may reside anywhere within the City of Atlanta School
 43 District. All members of the Board must continue to reside within the school district during
 44 that person's term of office or that office shall become vacant.

45 (d) The chairperson of the Board who shall be the successor to a member of the board whose
 46 term of office is to expire first shall be elected at the general municipal election immediately
 47 preceding the expiration of such term, shall take office the first day of January immediately
 48 following that election, and shall serve for a term of office of four years. The remaining
 49 members of the Board shall serve for terms of office of two years each and until their
 50 respective successors are elected and qualified.

51 (e) The member of the Board who is elected thereto shall be nominated and elected in
 52 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

53 **SECTION 3.**

54 Said Act is further amended in Section 2-104, as follows:

55 "SECTION 2-104.

56 Organization; oath; officers; quorum; rules;
57 voting requirements; meetings.

58 (a) Organizational meeting; oath. At the first regular meeting of the Board in January
59 following each regular election, the Board shall organize, take, and subscribe before a judge
60 of the Superior Court the following oath of office:

61 "I do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties
62 of a member of the Atlanta Board of Education during my term in office. I will not
63 knowingly permit my vote in the election and appointment of any person to a position in
64 the Atlanta Independent School System, or on any matter related to said school system, to
65 be influenced by fear, favor, affection, or reward, or hope thereof. In all things pertaining
66 to my said office, I will be governed by the public good and the interests of said school
67 system. I will observe the provisions of the city charter, the Act reorganizing the Atlanta
68 Board of Education, and the rules and regulations of the Atlanta Board of Education. I
69 further swear (or affirm) that I will support and defend the Constitutions and laws of the
70 State of Georgia and of the United States of America."

71 (b) Officers. At its first regular meeting in January of even-numbered years, the Board shall
72 elect a vice chairperson by a majority vote of its members. The chairperson and vice
73 chairperson shall serve for a term of two years. If the chairperson or vice chairperson vacates
74 the office, the Board will elect a new chairperson to fill the unexpired term

75 (c) Quorum. Five members of the Board shall constitute a quorum for the transaction of
76 business, although a smaller number may adjourn from time to time and compel the
77 attendance of its members.

78 (d) Rules. The Board shall adopt rules of procedure governing the transaction of its business
79 consistent with the provisions herein and any other applicable laws. The rules of the Board
80 shall provide for regular meetings which shall be held at least monthly and in accordance
81 with the provisions of Code Section 20-2-58 of the O.C.G.A., as now or hereafter amended,
82 and shall provide for any special meetings of the Board.

83 (e) Voting requirement.

84 (1) The affirmative vote of five members of the Board shall be required for the
85 transaction of business or the passage of any resolution; provided, however, that a
86 majority of a quorum of the Board may take official action in regards to disciplinary
87 matters related to appointed officers or employees of the Atlanta school system.

88 (2) No member of the Board shall abstain from voting at any duly called Board meeting
89 except in matters involving consideration of his or her own conduct, matters which would
90 inure to his or her financial or personal interests, or matters which would be a conflict of

91 interest as provided in Article 3 of this Act. Such Board member shall, prior to the vote
 92 being taken, publicly state during the meeting the nature of his or her interest in the
 93 matter from which he or she is abstaining from voting and shall within ten days of such
 94 abstention disclose the nature of his or her interest as a public record in a memorandum
 95 filed with the Board secretary who shall incorporate the memorandum into the minutes
 96 of the meeting.

97 (f) Meetings. All meetings of the Board and any of its committees shall be public in the
 98 same manner and to the same extent as required by Chapter 14 of Title 50 of the O.C.G.A.,
 99 relating to open and public meetings, as now or hereafter amended, and any citizen shall have
 100 access to the minutes and records thereof at reasonable times. Said minutes shall include a
 101 synopsis of the discussion on every question coming before the Board and any of its
 102 committees, and the names of those Board members voting for and against each question,
 103 those abstaining, and those absent.

104 (g) Public comment. The meetings of the Board and its committees shall provide a
 105 reasonable opportunity for the public to be heard during such meetings of the Board or its
 106 committees. The Board shall prescribe rules and regulations for the receipt of such
 107 comments from the public.

108 (h) Public communication. The Board shall develop a procedure for reporting, within 45
 109 days of the meeting, to the public the minutes and the votes taken at monthly meetings. Such
 110 communication may be via Internet, newspaper, television, or any other reasonable method
 111 so long as it has the capability to reach many citizens."

112 **SECTION 4.**

113 Said Act is further amended in Section 2-105, as follows:

114 "SECTION 2-105.

115 Powers, duties, responsibilities, and restrictions.

116 (a) The Board shall:

117 (1) Have and exercise control and management of the Atlanta school system in
 118 accordance with the provisions of this Act, the city charter, and the Constitution and
 119 general laws of the state. The Board is hereby vested with all the powers and charged
 120 with all the duties provided to local boards of education by the general laws of the state;

121 (2) Provide all students with textbooks and furnish educational or instructional materials,
 122 resources, and equipment adequately to such students;

123 (3) Adopt by resolution rules and regulations related to the manner and method of
 124 employing, disciplining, and terminating any employees of the school system;

- 125 (4) Adopt by resolution rules and procedures related to the procurement of supplies,
126 equipment, goods, and services for the school system;
- 127 (5) Adopt by resolution rules and regulations for the governance of students, including
128 the discipline, suspension, or expulsion of students, in accordance with due process;
- 129 (6) Hear appeals from actions of the superintendent of schools and other personnel;
- 130 (7) Approve an annual budget for the Atlanta public school system and provide for the
131 levy of a tax for educational purposes as provided in this Act;
- 132 (8) Approve school attendance zones;
- 133 (9) Have the authority to sue and be sued as a school district in the name of the Atlanta
134 Independent School System;
- 135 (10) Have the power to purchase, sell, rent, or lease property, both real and personal, in
136 the name of the Atlanta Independent School System with the title to any property
137 purchased being vested solely in the school system to the extent that such property was
138 acquired directly by the Board through funds of the school system;
- 139 (11) Have the authority to establish and maintain retirement or pension funds on behalf
140 of employees of the school system and their beneficiaries, to be managed by a board of
141 trustees, subject to applicable state laws; and further, in the event social security
142 provisions become available to employees or any group of employees, to provide for the
143 integration of such provisions with any existing or proposed retirement or pension
144 system;
- 145 (12) Have the authority to enter into contracts with any person, firm, corporation, or
146 governmental unit or agency for the performance of educational services or the use of
147 educational facilities;
- 148 (13) Adopt rules for the manner and extent the public is permitted to use buildings under
149 its control, which rules shall make available all such buildings which may be needed or
150 required for voting purposes on election days, including DeKalb County elections held
151 in the City of Atlanta portion of DeKalb County;
- 152 (14) Approve the superintendent's recommendation to hire or dismiss school system
153 staff, provided that such recommendations can be rejected by the Board only with a
154 three-fourths' vote of the Board. Notwithstanding this provision, a majority vote of the
155 Board is sufficient to reject the superintendent's recommendation, if a majority vote is
156 required to comply with provisions of the Fair Dismissal Act; and
- 157 (15) The Board may call an executive session as provided by law. Executive sessions
158 shall not exclude the superintendent unless a discussion of the superintendent is the
159 subject of the executive session.
- 160 (b) The Board shall not:
- 161 (1) Employ one of its members for any position in the school system;

162 (2) Do business with a partnership or corporation owned in whole or part by a Board
 163 member or a relative of a board member, unless the stock of the firm is publicly traded
 164 and there are more than 75 stockholders;

165 (3) Do business with a bank or financial institution where a Board member is an
 166 employee, stockholder, director, or officer when such member owns 10 percent or more
 167 stock in that institution; or

168 (4) Employ or promote any person who is a relative of any Board member unless a
 169 public, recorded vote is taken on such employment or promotion as a separate matter
 170 from any other personnel matter. Any Board member whose relative is being considered
 171 for employment shall not vote on such employment.

172 (c) For purposes of this section, the term "relative" is as defined in Section 3-101 of this
 173 Act."

174 **SECTION 5.**

175 Said Act is further amended in Section 2-108, as follows:

176 "SECTION 2-108.

177 Recall of a Board member.

178 Any member of the Board who is elected may be recalled and removed from office as
 179 provided by Chapter 4 of Title 21 of the O.C.G.A., the "Recall Act of 1989," as now or
 180 hereafter amended."

181 **SECTION 6.**

182 Said Act is further amended in Section 2-109, as follows:

183 "SECTION 2-109.

184 Vacancies; filling of vacancies.

185 (a) The office of a Board member shall become vacant upon the occurrence of any event
 186 specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other
 187 applicable laws as are or may be hereafter enacted.

188 (b) In the event of a vacancy occurring in the membership of the Board who are appointed
 189 for any reason other than the expiration of term, that vacancy shall be filled for the unexpired
 190 term of office in the same manner as the original appointment of such position.

191 (c) In the event of a vacancy occurring in the position of chairman of the Board for any
 192 reason other than the expiration of term, that vacancy shall be filled as follows:

193 (1) If the vacancy occurs more than one year prior to the date of a general election at
194 which a successor will be elected to a new full term of office, then such vacancy shall be
195 filled for the unexpired term of office by city electors at a special election;

196 (2) If the special election to fill the vacancy is scheduled to take place on the same date
197 with a general or primary election, and said election occurs more than 90 days after the
198 vacancy occurs, the remaining members of the Board shall, by majority vote, select a
199 qualified person to fill the vacancy until the person elected at such special election takes
200 office. However, such appointment shall not be made until after the period for qualifying
201 for the special election has closed, and any individual who qualified to stand for election
202 in the special election shall not be eligible for such appointment; and

203 (3) If the vacancy occurs one year or less prior to the date of the general election at
204 which a successor will be elected to a new full term of office, the remaining members of
205 the Board shall, by majority vote, select a qualified person to serve for the remainder of
206 the unexpired term.

207 (d) Any person elected or appointed to fill a vacancy pursuant to this section shall possess
208 the same qualifications required for election or appointment to a full term of office as
209 provided in this Act for any person seeking to be elected or appointed to the Board. The
210 special election shall be held within the entire city.

211 (e) When a vacancy requires a special election, the Board shall within 15 days after the
212 occurrence of such vacancy call a special election to fill the balance of the unexpired term
213 of such office.

214 (f) When a vacancy requires an appointment, such person shall be appointed within 30 days
215 of the date the vacancy occurs. However, if a vacancy occurs due to a resignation, the
216 successor may be appointed up to 30 days prior to the effective date of the resignation subject
217 to the appointment becoming effective on the occurrence of the vacancy.

218 (g) The Board shall develop procedures to be used to fill vacancies by appointment. Such
219 policies shall be consistent with the provisions of this Act."

220 **SECTION 7.**

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

223 **SECTION 8.**

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