

House Bill 859

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to
2 suspension and removal of local school board members under certain circumstances, so as
3 to revise provisions relating to the Governor's authority upon a recommendation by the State
4 Board of Education; to provide that hearings conducted by the State Board of Education be
5 open for public comment; to authorize the Governor to impose additional requirements on
6 local school systems or schools which do not have full accreditation; to provide for
7 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as
8 amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to suspension and
12 removal of local school board members under certain circumstances, is amended by revising
13 subsection (a) as follows:

14 "(a)(1) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the
15 contrary, if a local school system or school is placed on the level of accreditation
16 immediately preceding loss of accreditation for school board governance related reasons
17 by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of Code
18 Section 20-3-519, the State Board of Education shall conduct a hearing in not less than ten
19 days nor more than 30 days and ~~recommend~~ make a recommendation to the Governor
20 ~~whether~~ to suspend or not to suspend all eligible members of the local board of education
21 with pay. If the State Board of Education makes ~~such a~~ recommendation to suspend or not
22 to suspend, the Governor may, in his or her discretion, suspend all eligible members of the
23 local board of education with pay and, in consultation with the State Board of Education,
24 appoint temporary replacement members who shall be otherwise qualified to serve as
25 members of such board; reprimand all eligible members of the local board; or take no
26 action.

27 (2) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the
 28 contrary, if a local school system or school has been placed on, as of April 20, 2011, the
 29 level of accreditation immediately preceding loss of accreditation for school board
 30 governance related reasons by one or more accrediting agencies included in subparagraph
 31 (A) of paragraph (6) of Code Section 20-3-519 and does not regain full accreditation
 32 status by July 1, 2011, the State Board of Education shall conduct a hearing in not less
 33 than ten days nor more than 30 days and recommend to the Governor whether to suspend
 34 all members of the local board of education with pay. If the State Board of Education
 35 makes such recommendation, the Governor may, in his or her discretion, suspend all
 36 members of the local board of education with pay and, in consultation with the State
 37 Board of Education, appoint temporary replacement members who shall be otherwise
 38 qualified to serve as members of such board.

39 (3) For any local school system or school subject to paragraph (1) or (2) of this
 40 subsection, the Governor, at his or her discretion, may:

41 (A) Require the local school system or school to submit monthly progress reports to
 42 the State Board of Education regarding its accreditation progress and status;

43 (B) Require the State Board of Education to conduct a subsequent hearing concurrent
 44 with a renewal evaluation by an accrediting agency; or

45 (C) Require both subparagraphs (A) and (B) of this paragraph.

46 (4) Any hearing conducted by the State Board of Education pursuant to this subsection
 47 shall be open for public comment; provided, however, that the state board may impose
 48 reasonable time restraints on individual comments."

49 **SECTION 2.**

50 The Attorney General shall cause this Act to be submitted for preclearance under the federal
 51 Voting Rights Act of 1965, as amended, and such submission shall be made to the United
 52 States Department of Justice or filed with the appropriate court no later than 45 days after the
 53 date on which this Act is approved by the Governor or becomes law without such approval.

54 **SECTION 3.**

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