

Senate Bill 452

By: Senators Carter of the 1st, Stone of the 23rd and Ligon, Jr. of the 3rd

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 revise provisions relating to suspension and
3 removal of local school board members under certain circumstances; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
8 boards of education, is amended by revising Code Section 20-2-73, relating to suspension
9 and removal of local school board members under certain circumstances, as follows:

10 "20-2-73.

11 (a)(~~H~~) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the
12 contrary, if a local school system or school is placed on the level of accreditation
13 immediately preceding loss of accreditation for school board governance related reasons
14 by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of
15 Code Section 20-3-519, the State Board of Education shall, upon written notice from the
16 accrediting agency, conduct a hearing in not less than ten days nor more than ~~30~~ 90 days
17 and recommend to the Governor whether to suspend all eligible members of the local
18 board of education with pay. If the State Board of Education makes such
19 recommendation, the Governor may, in his or her discretion, suspend all eligible
20 members of the local board of education with pay and, in consultation with the State
21 Board of Education, appoint temporary replacement members who shall be otherwise
22 qualified to serve as members of such board. All costs associated with any hearing before
23 the State Board of Education, a committee of the state board, or its hearing officer
24 conducted pursuant to this subsection shall be borne by the local board of education. The
25 State Board of Education is authorized to promulgate rules and regulations to implement
26 the provisions of this subsection.

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 (b) Any local board of education member suspended under this Code section may petition
40 the Governor for reinstatement no earlier than 30 days following suspension and no later
41 than 60 days following suspension. In the event that a suspended member does not petition
42 for reinstatement within the allotted time period, his or her suspension shall be converted
43 into permanent removal, and the temporary replacement member shall become a permanent
44 member and serve out the remainder of the term of the removed member.

45 (c) Upon petition for reinstatement by a suspended local board of education member, the
46 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
47 evidence relative to whether the local board of education member's continued service on
48 the local board of education is more likely than not to improve the ability of the local
49 school system or school to retain or regain its accreditation. The appealing member shall
50 be given at least 30 days' notice prior to such hearing. Such hearing shall be held not later
51 than 90 days after the petition is filed and in accordance with Chapter 13 of Title 50, the
52 'Georgia Administrative Procedure Act,' except that the individual conducting the hearing
53 shall have the power to call witnesses and request documents on his or her own initiative.
54 For purposes of said chapter and any hearing conducted pursuant to this Code section, the
55 Governor shall be considered the agency, and the Attorney General or his or her designee
56 shall represent the interests of the Governor in the hearing. If it is determined that it is
57 more likely than not that the local board of education member's continued service on the
58 local board of education improves the ability of the local school system or school to retain
59 or regain its accreditation, the member shall be immediately reinstated; otherwise, the
60 member shall be permanently removed, and the temporary replacement member shall
61 become a permanent member and serve out the remainder of the term of the removed
62 member or until the next general election which is at least six months after the member was

63 permanently removed, whichever is sooner. Judicial review of any such decision shall be
64 in accordance with Chapter 13 of Title 50.

65 (d) ~~Paragraph (1) of subsection~~ Subsection (a) of this Code section shall apply to a local
66 school system or school which is placed on the level of accreditation immediately
67 preceding loss of accreditation on or after April 20, 2011.

68 (e) This Code section shall apply to all local board of education members, regardless of
69 when they were elected or appointed."

70 **SECTION 2.**

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