

House Bill 842 (AS PASSED HOUSE AND SENATE)

By: Representatives Benfield of the 85th, Abrams of the 84th, and Oliver of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act relating to the Board of Education of the City of Decatur, approved
2 April 13, 2001 (Ga. L. 2001, p. 4351), so as to reconstitute the board of education; to change
3 the descriptions of the education districts; to provide for continuation in office of current
4 members; to provide for the election and terms of office of subsequent members; to provide
5 for submission of this Act for approval under the federal Voting Rights Act of 1965, as
6 amended; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

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

9 **SECTION 1.**

10 An Act relating to the Board of Education of the City of Decatur, approved April 13, 2001
11 (Ga. L. 2001, p. 4351), is amended by striking Section 7.10 and inserting in its place a new
12 Section 7.10 to read as follows:

13 **"SECTION 7.10.**

14 **Public schools generally.**

15 (a) The public school system in operation in the city immediately prior to the effective date
16 of this Act is hereby continued. The Board of Education of the City of Decatur which existed
17 immediately prior to the effective date of this Act, sometimes referred to in this Act as the
18 'board of education,' is continued in existence.

19 (b) The Board of Education of the City of Decatur, so continued, shall continue to have the
20 powers, duties, rights, obligations, and liabilities of the Board of Education of the City of
21 Decatur as existed immediately prior to the effective date of this Act and shall be subject to
22 all constitutional and statutory provisions relating to boards of education that are not in
23 conflict with this Act.

24 (c) The Board of Education of the City of Decatur shall be a body corporate and politic and
25 shall be empowered to engage in legal process and to enact such policies, bylaws, rules, and

26 regulations, not inconsistent with the laws of this state or of the United States, for the
27 government of the members of the board of education, the superintendent of schools, and
28 teachers and students of such schools, as the board of education may deem proper.

29 (d) The members of the Board of Education of the City of Decatur who are serving on such
30 board of education immediately prior to the effective date of this Act, and any person
31 selected to fill a vacancy in any such offices, shall continue to serve as such members until
32 their terms of office expire. The Board of Education of the City of Decatur shall continue
33 to consist of five members, four of whom shall be elected from election districts described
34 in this subsection, and one member who shall be elected at large. For the purpose of electing
35 the four district members of the board of education, the City of Decatur School District is
36 divided into two election districts. The districts shall consist of the described territory of the
37 City of Decatur School District contained in the description attached to this Act and made
38 a part hereof as further identified as 'Plan: decaturcitysb-2012 Plan Type: Local
39 Administrator: City of Decatur User: bak'.

40 (e) For the purposes of subsection (d) of this section:

41 (1) The terms 'VTD' or 'district' shall mean and describe the same geographical
42 boundaries as provided in the report of the Bureau of the Census for the United States
43 decennial census of 2010 for the State of Georgia.

44 (2) Whenever the description of any election district refers to a named city, it shall mean
45 the geographical boundaries of that city as shown on the census map of the United States
46 decennial census of 2010 for the State of Georgia.

47 (3) VTD designations are included for convenience only; and if the description of any
48 election district contains a conflict between the geographical boundaries of any VTD and
49 the boundaries of the subsequently named district, the geographical boundary as shown
50 on the census maps for the United States decennial census of 2010 for the State of
51 Georgia shall control.

52 (4) Any part of the City of Decatur School District that is not included in any election
53 district described in subsection (d) of this section shall be included within the election
54 district contiguous to such part that contains the least population according to the United
55 States decennial census of 2010 for the State of Georgia.

56 (5) Any part of the City of Decatur School District that is described in subsection (d) of
57 this section as being included in a particular election district shall nevertheless not be
58 included within such election district if such part is not contiguous to such election
59 district. Such noncontiguous part shall instead be included within that election district
60 contiguous to such part that contains the least population according to the United States
61 decennial census of 2010 for the State of Georgia.

62 (f) Two members shall be elected from each election district provided for in subsection (d)
63 of this section. The members elected from an election district shall be elected solely by the
64 voters of the election district voting in an election thereon. There shall be a Post A and a
65 Post B in each election district, and each candidate shall designate the post for which the
66 candidate is offering. A candidate for the board of education from an election district shall
67 have been a resident of the district from which the candidate is offering for at least 12 months
68 prior to the election. A member elected to the board of education from an election district
69 shall remain a resident of the respective district during the term for which such member was
70 elected.

71 (g) A candidate for the at-large office on the board of education may reside anywhere within
72 the City of Decatur School District and shall be elected by the voters of the City of Decatur
73 School District voting in an election thereon.

74 (h) All candidates for office on the board of education shall be at least 21 years of age.
75 Persons employed by the City of Decatur School System shall not be eligible to be members
76 of the board of education.

77 (i) The first members of the Board of Education of the City of Decatur elected under this Act
78 shall be elected on the first Tuesday next following the first Monday in November, 2013.
79 Such members shall be the persons elected to Post A of Election District 1, Post A of
80 Election District 2, and the at-large post. They shall take office on January 1, 2014, and shall
81 serve terms of four years and until their successors are elected and qualified. Successors to
82 such members shall be elected at the general municipal election held on the first Tuesday
83 next following the first Monday in November, 2017, and quadrennially thereafter for terms
84 of office of four years.

85 (j) Members shall be elected to Post B of Election District 1 and Post B of Election District 2
86 on the first Tuesday next following the first Monday in November, 2015. Such members
87 shall take office on January 1, 2016, and shall serve terms of four years and until their
88 successors are elected and qualified. Successors to such members shall be elected at the
89 general municipal election held on the first Tuesday next following the first Monday in
90 November, 2019, and quadrennially thereafter for terms of office of four years.

91 (k) Political parties shall not conduct primaries for board of education offices, and all names
92 of candidates for such offices shall be listed without party designation.

93 (l) The person receiving a plurality of the votes cast for any office on the board of education
94 shall be elected.

95 (m) Any vacancy in the board of education as a result of death, resignation, removal from
96 the city, removal from an election district, or otherwise, except for the expiration of a term
97 of office, shall be filled as provided in Code Section 20-2-54.1 of the O.C.G.A."

98 **SECTION 2.**

99 Said Act is further amended by striking the description of Education Districts 1 and 2
100 contained in the Appendix thereto and inserting in its place the description of Education
101 Districts 1 and 2 attached to and made a part of this Act and further identified as "Plan:
102 decaturcitysb-2012 Plan Type: Local Administrator: City of Decatur User: bak."

103 **SECTION 3.**

104 The governing authority of the Board of Education of the City of Decatur shall through its
105 legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights
106 Act of 1965, as amended, and such submission shall be made to the United States
107 Department of Justice or filed with the appropriate court no later than 45 days after the date
108 on which this Act is approved by the Governor or otherwise becomes law without such
109 approval.

110 **SECTION 4.**

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

113 **SECTION 5.**

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

Plan: decaturcitysb-2012
Plan Type: Local
Administrator: City of Decatur
User: bak

District 001
DeKalb County
VTD: 089CI - CLAIREMONT WEST
VTD: 089CV - CLAIREMONT EAST
VTD: 089FB - FERNBANK ELEM
1021 1034
VTD: 089GA - GLENNWOOD (DEC)
1037 1039
1020 1021 1022 2001 2002 2003 2004 2005 2006 2007 2008 2009
2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021
2022 2023 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
2036 2037
VTD: 089NB - NORTH DECATUR
1026
VTD: 089OK - OAKHURST (DEC)
1026
3019 3020
VTD: 089PG - PONCE DE LEON
1003 1010 1022 3000 3001 3002 3003 3004 3005 3006 3007 3008
3010 3011 3012 3013 3014 3015 3016 3017 3018 3027 4015 4019
2024 2025
VTD: 089SB - SCOTT
3011

District 002
DeKalb County
VTD: 089AF - HOOPER ALEXANDER
3002 3008 3011
VTD: 089FD - FORREST HILLS ELEM
1006 1008 1028
VTD: 089GA - GLENNWOOD (DEC)
1001 1002 1003 1004 3000 3001 3002 3003 3004
1010 1011 1014 1016
VTD: 089OK - OAKHURST (DEC)
3021 3022 3023 3026
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 2004 2005 2006 2007
2008 2009 2010 2011 2012 3016 3017 3018 3019 3020 3021 3022
3023 3024 3025 3026 3027 3028 3029
VTD: 089PG - PONCE DE LEON
1004 1009 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020
1021 1023 1024 3009 3024 3025
VTD: 089RN - RENFROE MIDDLE
VTD: 089WF - WINNONA PARK ELEM