

The House Committee on Education offers the following substitute to HB 115:

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 local board of education shall notify the State Board of
16 Education within three business days of such placement and the State Board of Education
17 shall conduct a hearing in not less than ten days of such notice nor more than 30 90 days
18 and recommend to the Governor whether to suspend all eligible members of the local
19 board of education with pay. A majority of the members of a local board of education
20 may petition the State Board of Education to continue any hearing scheduled under this
21 subsection. Upon a showing of good cause, the state board may in its sound discretion
22 continue any such hearing. Notwithstanding any other provision of law, deliberations
23 held by the State Board of Education pursuant to this subsection to formulate its
24 recommendation to the Governor shall not be open to the public; provided, however, that
25 testimony shall be taken in an open meeting and a vote on the recommendation shall be
26 taken in an open meeting following the hearing or at the next regularly scheduled

27 meeting. If the State Board of Education makes such recommendation, the Governor
28 may, in his or her discretion, suspend all eligible members of the local board of education
29 with pay and, in consultation with the State Board of Education, appoint temporary
30 replacement members who shall be otherwise qualified to serve as members of such
31 board.

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

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

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

64 or regain its accreditation, the member shall be immediately reinstated; otherwise, the
65 member shall be permanently removed, and the temporary replacement member shall
66 become a permanent member and serve out the remainder of the term of the removed
67 member or until the next general election which is at least six months after the member was
68 permanently removed, whichever is sooner. Judicial review of any such decision shall be
69 in accordance with Chapter 13 of Title 50.

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

73 (e) ~~This Code section shall apply to all local board of education members, regardless of~~
74 ~~when they were elected or appointed~~ For purposes of this Code section, an eligible member
75 of a local board of education shall mean a board member who was serving on the local
76 board at the time the accrediting agency placed the local school system or school on the
77 level of accreditation immediately preceding loss of accreditation."

78 **SECTION 2.**

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