

Senate Bill 271

By: Senators Carter of the 42nd and Butler of the 55th

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 authorize a local board of education to agree  
3 to interventions determined by the State Board of Education in lieu of school board member  
4 removal proceedings if a school system or a school is placed on the level of accreditation  
5 immediately preceding loss of accreditation; to provide for requirements; to provide for  
6 statutory construction; to provide for rules and regulations; to provide for related matters; to  
7 provide for submission of certain provisions of this Act for preclearance under the federal  
8 Voting Rights Act of 1965, as amended; 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 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local  
12 boards of education, is amended by revising subsection (a) of Code Section 20-2-73, relating  
13 to suspension and removal of local school board members under certain circumstances, as  
14 follows:

15 "(a)(1) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the  
16 contrary, if a local school system or school is placed on the level of accreditation  
17 immediately preceding loss of accreditation for school board governance related reasons  
18 by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of  
19 Code Section 20-3-519.;

20 (A) The local board of education may, within ten days of such placement, agree to  
21 interventions as determined by the State Board of Education as provided in Code  
22 Section 20-2-73.1; or

23 (B) The local board shall be subject to the proceedings and potential consequences of  
24 this Code section and the provisions of this Code section shall immediately be  
25 commenced with regard to such local board.

26 ~~(2) The~~ the State Board of Education shall conduct a hearing in not less than ten days nor  
 27 more than 30 days and recommend to the Governor whether to suspend all eligible  
 28 members of the local board of education with pay. If the State Board of Education makes  
 29 such recommendation, the Governor may, in his or her discretion, suspend all eligible  
 30 members of the local board of education with pay and, in consultation with the State  
 31 Board of Education, appoint temporary replacement members who shall be otherwise  
 32 qualified to serve as members of such board.

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

## 45 SECTION 2.

46 Said article is further amended by adding a new Code section to read as follows:

47 "20-2-73.1.

48 (a) If a local school system or a school is placed on the level of accreditation immediately  
 49 preceding loss of accreditation for school board governance related reasons by one or more  
 50 accrediting agencies included in subparagraph (A) of paragraph (6) of Code Section  
 51 20-3-519, the local board of education may, within ten days of such placement, agree to  
 52 one or more of the following interventions as determined by the State Board of Education:

53 (1) Removal of school system personnel on recommendation of the state board or a  
 54 school improvement team;

55 (2) Complete reconstitution of the school system administration, which may include  
 56 removing personnel, appointing new administration, hiring new staff, and reapplying for  
 57 employment by existing personnel;

58 (3) Provision of a monitor, master, or management team to be paid for by the school  
 59 system;

60 (4) Continuation of an intensive student achievement improvement plan;

- 61 (5) Complete restructuring of the school system's governance arrangement and internal  
62 organization of the school system; and
- 63 (6) A recall election for each of the local board of education members. Notwithstanding  
64 the provisions of Chapter 4 of Title 21, a recall election may be conducted for each local  
65 board of education member in accordance with Code Section 21-4-13. Notice by the  
66 state board to the applicable election superintendent shall be deemed to be receipt of  
67 certification of the sufficiency of the recall petition for purposes of Code Section 21-4-13.
- 68 (b) If a local board of education agrees to one or more interventions by the state board  
69 pursuant to subsection (a) of this Code section, the procedures set out in Code Section  
70 20-2-73 shall be stayed; provided, however, that if the local board at any time fails to  
71 substantially comply with such intervention or interventions by the state board, the local  
72 board shall be subject to the proceedings and potential consequences of Code Section  
73 20-2-73 and the provisions of such Code section shall immediately be commenced with  
74 regard to such local board.
- 75 (c) The State Board of Education shall clearly define the powers and duties of a monitor,  
76 master, or management team appointed to oversee the operations of a school system or a  
77 school.
- 78 (d) A school system or school improvement team appointed under this Code section may  
79 consist of currently employed or retired teachers, principals, other educational  
80 professionals, Department of Education school improvement employees, or local school  
81 superintendents recognized for excellence in their roles and appointed by the State Board  
82 of Education to serve as members of a team.
- 83 (e) This Code section shall not be applied in a manner which would impair any existing  
84 contracts or any employment rights of any personnel.
- 85 (f) The State Board of Education is authorized to promulgate rules and regulations to  
86 implement the provisions of this Code section."

87 **SECTION 3.**

88 The Attorney General of Georgia shall cause Section 2 of this Act to be submitted for  
89 preclearance under the federal Voting Rights Act of 1965, as amended, and such submission  
90 shall be made to the United States Department of Justice or filed with the appropriate court  
91 no later than 45 days after the date on which this Act is approved by the Governor or  
92 becomes law without such approval. If Section 2 of this Act has not received preclearance  
93 under the federal Voting Rights Act of 1965, as amended, by December 31, 2013, Section  
94 2 of this Act shall stand repealed by operation of law.

95

**SECTION 4.**

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