

Senate Bill 357

By: Senators Williams of the 27th, Ligon, Jr. of the 3rd, McKoon of the 29th and Crane of the 28th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to revise provisions relating to standards for local  
3 board of education members; to provide that establishing a code of ethics is in the discretion  
4 of the local board of education; to eliminate required training for local board of education  
5 members; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
9 secondary education, is amended by revising Code Section 20-2-49, relating to standards for  
10 local board of education members, as follows:

11 "20-2-49.

12 The General Assembly finds that local boards of education play a critical role in setting the  
13 policies that lead to the operation and success of local school systems. School board  
14 members hold special roles as trustees of public funds, including local, state, and federal  
15 funds, while they focus on the singular objective of ensuring each student in the local  
16 school system receives ~~a quality basic education~~ an education enabling the student to fulfill  
17 his or her God-given potential and equipping him or her for full citizenship in our  
18 constitutional republic. ~~Board duties require specialized skills and training in the~~  
19 ~~performance of vision setting, policy making, approving multimillion dollar budgets, and~~  
20 ~~hiring a qualified superintendent.~~ The motivation to serve as a member of a local board of  
21 education should be the improvement of schools, which should include maintaining  
22 accreditation, and the academic achievement of all students, and the effective  
23 representation of parents' and other constituents' interests in the operation of the local  
24 school system. Service on a local board of education is important citizen service. ~~Given~~  
25 ~~the specialized nature and unique role of membership on a local board of education, this~~  
26 ~~elected office should be characterized and treated differently from other elected offices~~

27 ~~where the primary duty is independently to represent constituent views. Local board of~~  
 28 ~~education members should abide by~~ A local board of education may create a code of  
 29 conduct and conflict of interest policy ~~modeled for their unique roles and responsibilities~~  
 30 by which each member should abide, provided that no such code of conduct or conflict of  
 31 interest policy may interfere with a member's right to free speech under the First  
 32 Amendment to the United States Constitution and Article I, Section I, Paragraph V of the  
 33 Georgia Constitution. ~~And although there are many measures of the success of a local~~  
 34 ~~board of education, one is clearly essential: maintaining accreditation and the opportunities~~  
 35 ~~it allows the school system's students."~~

36

## SECTION 2.

37 Said chapter is further amended by revising subsection (e) of Code Section 20-2-51, relating  
 38 to election of local board of education members, persons ineligible to be members or  
 39 superintendent, ineligibility for local boards of education, and ineligibility for other elective  
 40 offices, as follows:

41 "(e)(1) In addition to any other requirements provided by law, no person shall be eligible  
 42 for election as a member of a local board of education unless he or she:

43 ~~(1) Has~~ has read and understands the code of ethics and the conflict of interest  
 44 provisions, if established by the local board of education, applicable to members of local  
 45 ~~boards of education~~ and has agreed to abide by them, ~~and~~

46 ~~(2) Has agreed to annually disclose compliance with the State Board of Education's~~  
 47 ~~policy on training for members of local boards of education, the code of ethics of the~~  
 48 ~~local board of education, and the conflict of interest provisions applicable to members of~~  
 49 ~~local boards of education.~~

50 (2) Each person offering his or her candidacy for election as a member of a local board  
 51 of education shall file an affidavit with the officer before whom such person has qualified  
 52 for such election prior to or at the time of qualifying, which affidavit shall affirm that he  
 53 or she meets all of the qualifications required pursuant to this subsection. This subsection  
 54 shall apply only to local board of education members elected or appointed on or after July  
 55 1, 2010."

56

## SECTION 3.

57 Said chapter is further amended by revising Code Section 20-2-72, relating to code of ethics  
 58 for local board of education members, as follows:

59 "20-2-72.

60 (a) The State Board of Education shall adopt a model code of ethics for members of local  
 61 boards of education by October 1, 2010. Such model code of ethics shall also include

62 appropriate consequences for violation of a provision or provisions of such code. The State  
 63 Board of Education may periodically adopt revisions to such model code as it deems  
 64 necessary.

65 ~~(b) Within three months of adoption by the State Board of Education of a model code of~~  
 66 ~~ethics pursuant to subsection (a) of this Code section, each local board of education shall~~  
 67 ~~adopt a code of ethics that includes, at a minimum, such model code of ethics. Each local~~  
 68 ~~board of education shall incorporate into its code of ethics any revisions adopted by the~~  
 69 ~~State Board of Education to the model code of ethics pursuant to subsection (a) of this~~  
 70 ~~Code section within three months of adoption of such revisions."~~

71 **SECTION 4.**

72 Said chapter is further amended by revising Code Section 20-2-230, relating to staff  
 73 development programs, as follows:

74 "20-2-230.

75 (a) All public school officials and professional personnel certificated by the Professional  
 76 Standards Commission shall be provided the opportunity to continue their development  
 77 throughout their professional careers. The primary purpose of the staff development  
 78 sponsored or offered by local boards of education and the Department of Education shall  
 79 be the implementation of this policy. Two additional purposes of such staff development  
 80 programs shall be to adopt into general practice the findings of scientifically designed  
 81 research which has been widely replicated, particularly as it relates to teacher and school  
 82 effectiveness, and to address professional needs and deficiencies identified during the  
 83 process of objective performance evaluations.

84 ~~(b)(1) The State Board of Education shall adopt a training program for members of local~~  
 85 ~~boards of education by July 1, 2011. The State Board of Education may periodically~~  
 86 ~~adopt revisions to such training program as it deems necessary.~~

87 ~~(2) Within three months of adoption by the State Board of Education of a training~~  
 88 ~~program pursuant to paragraph (1) of this subsection, each local board of education shall~~  
 89 ~~adopt a training program for members of such boards that includes, at a minimum, such~~  
 90 ~~training program and requirements established by the State Board of Education pursuant~~  
 91 ~~to paragraph (1) of this subsection. Each local board of education shall incorporate any~~  
 92 ~~revisions adopted by the State Board of Education to the training program pursuant to~~  
 93 ~~paragraph (1) of this subsection within three months of adoption of such revisions.~~

94 ~~(3) All local boards of education are authorized to pay such board members for~~  
 95 ~~attendance at a required training program the same per diem as authorized by local or~~  
 96 ~~general law for attendance at regular meetings, as well as reimbursement of actual~~

97 ~~expenses for travel, lodging, meals, and registration fees for such training, either before~~  
98 ~~or after such board members assume office."~~

99

**SECTION 5.**

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