

The Senate Committee on Education and Youth offered the following substitute to SB 4:

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 the fundamental
3 roles of local boards of education and local school superintendents; to provide for
4 requirements for the model code of ethics for local boards of education to be promulgated
5 by the State Board of Education; to provide for public complaints alleging ethics code
6 violations by members of local boards of education; to provide for required and prohibited
7 topics in training programs for local board of education members; to provide for a sanction
8 for noncompliance; to provide for an effective date; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
13 secondary education, is amended in Article 3, relating to local boards of education, by
14 revising Code Section 20-2-61, relating to fundamental roles of local boards of education and
15 local school superintendents, as follows:

16 "20-2-61.

17 (a) The fundamental role of a local board of education shall be to establish policy for the
18 local school system with the focus on student achievement. The fundamental role of a
19 local school superintendent shall be to implement the policy established by the local board.
20 ~~It shall not be the role of the local board of education or individual members of such board~~
21 ~~to micromanage the superintendent in executing his or her duties, but it shall be the duty~~
22 ~~of the local board to hold the local school superintendent accountable in the performance~~
23 ~~of his or her duties; provided, however, that requesting and reviewing financial data and~~
24 ~~documents shall not constitute micromanaging.~~ No individual member of a local board
25 shall discuss any individual personnel matter with the local school superintendent or other
26 school personnel except as provided for in Code Section 20-2-943, ~~Code~~
27 ~~Section 20-2-989.7, Code Section 20-2-989.8, Code Section 20-2-1160, Code~~
28 ~~Section 50-14-3, or Code Section 50-14-4~~ or as otherwise authorized by law; provided,
29 however, that the mere referral of a personnel matter to the local school superintendent
30 shall not be prohibited. Local board of education members should work together with the
31 entire local board of education and shall not have authority as independent elected officials
32 but shall only be authorized to take official action as members of the board as a whole.
33 Nothing in this subsection shall be construed to alter, limit, expand, or enlarge any powers,
34 duties, or responsibilities of local boards of education, local board members, or local school
35 superintendents.

36 (b) Except as may be allowed by law, no local board of education shall delegate or attempt
37 to delegate its policy-making functions."

38

SECTION 2.

39 Said chapter is further amended in said article by revising Code Section 20-2-72, relating to
40 code of ethics for local board of education members, as follows:

41 "20-2-72.

42 (a) The State Board of Education shall adopt a model code of ethics for members of local
43 boards of education by October 1, ~~2010~~ 2025. Such model code of ethics shall be
44 consistent with and shall not alter the fundamental roles of local boards of education and
45 local school superintendents as provided for in Code Section 20-2-61, and nothing in such
46 model code of ethics shall alter, limit, expand, or enlarge any powers, duties, or
47 responsibilities of local boards of education, local board members, or local school
48 superintendents. Such model code of ethics shall ~~also~~ provide for individuals who are
49 18 years of age or older and who reside within the local school system to file a complaint
50 with the Professional Standards Commission alleging a violation of the code of ethics by
51 one or more members of the local board of education. Such model code of ethics shall
52 include appropriate consequences for violation of a provision or provisions of such code.
53 The State Board of Education may periodically adopt revisions to such model code as it
54 deems necessary.

55 (b) Within three months of adoption by the State Board of Education of a model code of
56 ethics pursuant to subsection (a) of this Code section, each local board of education shall
57 adopt a code of ethics that includes, at a minimum, such model code of ethics. Each local
58 board of education shall incorporate into its code of ethics any revisions adopted by the
59 State Board of Education to the model code of ethics pursuant to subsection (a) of this
60 Code section within three months of adoption of such revisions."

61 **SECTION 3.**

62 Said chapter is further amended in Part 7 of Article 6, relating to staff development under the
63 "Quality Basic Education Act," by revising Code Section 20-2-230, relating to programs, as
64 follows:

65 "20-2-230.

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

75 (b)(1) By October 1, 2025, the ~~The~~ State Board of Education shall adopt a training
76 program for members of local boards of education that complies with the provisions of
77 subsection (b.1) of this Code section ~~by July 1, 2011~~. The State Board of Education may
78 periodically adopt revisions to such training program as it deems necessary.

79 (2) Within three months of adoption by the State Board of Education of a training
80 program pursuant to paragraph (1) of this subsection, each local board of education shall
81 adopt a training program for members of such boards that includes, at a minimum, such
82 training program and requirements established by the State Board of Education pursuant
83 to paragraph (1) of this subsection. Each local board of education shall incorporate any
84 revisions adopted by the State Board of Education to the training program pursuant to
85 paragraph (1) of this subsection within three months of adoption of such revisions.

86 (3) All local boards of education are authorized to pay such board members for
87 attendance at a required training program the same per diem as authorized by local or
88 general law for attendance at regular meetings, as well as reimbursement of actual
89 expenses for travel, lodging, meals, and registration fees for such training, either before
90 or after such board members assume office.

91 (4) Except as provided in subsections (c) and (d) of this Code section, members of local
92 boards of education shall not be required to participate in the training program for
93 members of local boards of education provided for in this subsection.

94 (b.1)(1) The training program for members of local boards of education required by
95 subsections (c) and (d) of this Code section shall include, but shall not be limited to, the
96 following topics:

97 (A) The authority of the local board of education rests with the board as a whole and
98 not with individual board members;

99 (B) The duty of local boards of education to establish policy for the local school
100 system with the focus on student achievement;

101 (C) Code of ethics for local board of education members and conflicts of interest;

102 (D) Strategic planning and operational and financial management;

103 (E) The constitutional and statutory authority for local boards of education to set the
104 local school tax rate for the support and maintenance of education and to impose, levy,
105 and collect a sales and use tax for educational purposes;

106 (F) The duty of local boards of education to propose and approve an annual operating
107 budget;

108 (G) Funding sources, reserve funds, and capital accumulation funds;

109 (H) Facilities planning and capital outlay programs;

110 (I) Accreditation;

111 (J) Flexibility models: strategic waivers school systems and charter systems;

112 (K) Local board of education and community relations;

113 (L) Board meetings: parliamentary procedure, the role of board chairs, professionalism
114 and decorum, conflict resolution and the value of courteous dissent, and public
115 participation and stakeholder engagement;

116 (M) Roles, responsibilities, and relations of and between local boards of education and
117 local school superintendents;

- 118 (N) Employment and evaluation of the local school superintendent;
119 (O) Compliance with federal, state, and local laws, including, but not limited to, laws,
120 rules, and regulations relating to:
121 (i) Students with disabilities;
122 (ii) Student codes of conduct and student discipline; and
123 (iii) The rights of students' parents and guardians; and
124 (P) Compliance with the Georgia open meetings and open records laws.
125 (2)(A) The training program for members of local boards of education required by this
126 Code section shall not include any of the following statements, recommendations, or
127 suggestions:
128 (i) That local boards of education are encouraged, expected, or required to act
129 unanimously;
130 (ii) That local boards of education are not authorized to request information from
131 local school system administrators;
132 (iii) That local boards of education shall defer to the local school superintendent on
133 budget and tax matters;
134 (iv) That local boards of education or members or employees thereof should lobby
135 the Georgia General Assembly on any topic; or
136 (v) Expressing opinions in support of or in opposition to past, pending, or future
137 legislation affecting public schools or local school systems; provided, however, that
138 providing factual historical information shall not constitute an impermissible
139 expression of an opinion.
140 (B) Any provider of the training program for members of local boards of education
141 required by this Code section, other than the Department of Education or the
142 Department of Audits and Accounts, that is found by the State Board of Education to
143 have failed to comply with the provisions of subparagraph (A) of this paragraph shall
144 not be eligible to be an approved provider of such training services to local boards of

145 education for a period of three years from the date of such finding by the State Board
146 of Education.

147 (c) The State Board of Education shall require each newly elected member of a local board
148 of education to receive guidance and training regarding his or her own local school
149 system's most recent audit findings and the risk status of the local school system as
150 determined by the Department of Audits and Accounts or the Department of Education.
151 Such training for newly elected board members shall also include training on the ~~role of~~
152 the respective roles of the local board of education and the local school superintendent with
153 respect to financial management and financial governance of a local school system. Such
154 training shall also include the training program for members of local boards of education
155 provided for in subsections (b) and (b.1) of this Code section.

156 (d) The State Board of Education shall require members of local boards of education to
157 complete the training required under this Code section with either the Department of
158 Education or the Department of Audits and Accounts if the local board of education has
159 been designated by the Department of Audits and Accounts as a high-risk local school
160 system pursuant to Code Section 20-2-67 or if the Department of Audits and Accounts has
161 determined that corrective actions have not been implemented or devised to correct serious
162 findings in the local school system's Department of Audits and Accounts audit report from
163 the previous year."

164 **SECTION 4.**

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

167 **SECTION 5.**

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