

House Bill 767

By: Representatives McClain of the 109<sup>th</sup>, Hilton of the 48<sup>th</sup>, Beckles of the 96<sup>th</sup>, Donatucci of the 105<sup>th</sup>, Martinez of the 111<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the election of the Board of Education of Gwinnett County,  
2 approved April 7, 1972 (Ga. L. 1972, p. 4058), as amended, particularly by an Act approved  
3 May 6, 2005 (Ga. L. 2005, p. 3818), so as to revise provisions regarding the compensation  
4 of members of the board of education; to provide for the suspension of such provisions in the  
5 event of such board approving a buyout of the superintendent's contract; to prohibit the  
6 infringement of communications made by members of the such board; to provide exceptions;  
7 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act providing for the election of the Board of Education of Gwinnett County, approved  
12 April 7, 1972 (Ga. L. 1972, p. 4058), as amended, particularly by an Act approved May 6,  
13 2005 (Ga. L. 2005, p. 3818), is amended by revising Section 2 and adding a new section to  
14 read as follows:

H. B. 767

## "SECTION 2.

(a) The Gwinnett County Board of Education is authorized to fix the salary and compensation of the members of the Gwinnett County Board of Education subject to the following conditions:

(1) Any increase in salary or compensation for members of the Gwinnett County Board of Education shall not be effective until the first day of January of the year following the next general election held after the date on which the action to increase the compensation was taken;

(2) The Gwinnett County Board of Education shall take no action to increase the salary or compensation of the members of the board until notice of intent to take such action and the fiscal impact of such action has been published in a newspaper designated as the legal organ for the county at least once a week for three consecutive weeks immediately preceding the meeting at which the action is taken; and

(3) Such action shall not be taken during the period of time beginning with the date that candidates for election as members of the Gwinnett County Board of Education may first qualify as such candidates and ending with the first day of January following the date of qualification.

This subsection shall not affect the power of the General Assembly at any time to increase or decrease any or all of such compensation or to withdraw the authority otherwise granted under this subsection.

(b)(1) The provisions of subsection (a) of this section shall be suspended in the event:

(A) That the Gwinnett County Board of Education approves a contract termination payout to the superintendent so as to terminate such contract prior to the contractual end date of such contract; or

(B) Such contractual payout payments are still being made to one or more former superintendents.

41 (2) The suspension provided for in paragraph (1) of this subsection shall remain in force  
42 until such time as either:

43 (A) The compensation that would have otherwise been paid to the members of the  
44 board pursuant to subsection (a) of this section equals the amount:

45 (i) Paid to a superintendent to terminate such superintendent's contract prior to the  
46 contractual end date of such contract; or

47 (ii) Still being paid to any former superintendents as a result of the early termination  
48 of one or more contracts that are being made on the effective date of this subsection;

49 or

50 (B) All members of the Gwinnett County Board of Education who were in office when  
51 the board approved a contract termination payout to a superintendent prior to the  
52 contractual end date of such contract have ceased serving on such board.

53 (3) In the event that the compensation of the board members is suspended by operation  
54 of this subsection, the members of the board of education shall receive the per diem  
55 provided for by O.C.G.A. Code Section 20-2-55.

56 SECTION 2A.

57 The Gwinnett County Board of Education and the Gwinnett County Public Schools shall  
58 not infringe upon right of individual board members to communicate with constituents, the  
59 general public, or members of the media; provided, however, that nothing in this section  
60 shall prevent such board from adopting policies to ensure that:

61 (1) Confidential discussions occurring during an executive session pursuant to Chapter  
62 14 of Title 50 of the O.C.G.A., or

63 (2) Any information that is deemed confidential, privileged, private, or exempt from  
64 disclosure under federal or state law

65 is not disclosed or disseminated in an unauthorized manner."

66

**SECTION 2.**

67 This Act shall become effective on the first day of the month following the month in which  
68 it is approved by the Governor or in which it becomes law without such approval.

69

**SECTION 3.**

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