

House Bill 1591

By: Representatives Drenner of the 85th, Lupton of the 83rd, Mitchell of the 88th, Crawford of the 89th, Draper of the 90th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to create and establish in DeKalb County, Georgia, districts from which
2 the members of the County Board of Education of DeKalb County shall be elected, approved
3 April 12, 1963 (Ga. L. 1963, p. 3424), as amended, so as to establish protocols governing the
4 recruitment, vetting, and appointment of and contracting with the superintendent of the
5 DeKalb County School System; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to create and establish in DeKalb County, Georgia, districts from which the members
10 of the County Board of Education of DeKalb County shall be elected, approved
11 April 12, 1963 (Ga. L. 1963, p. 3424), as amended, is amended by adding a new section to
12 read as follows:

13 "SECTION 3.3.

14 (a) The General Assembly hereby declares that the enactment of comprehensive
15 superintendent accountability legislation specifically tailored to the DeKalb County School

16 System serves compelling governmental interests, advances the public welfare, protects the
17 educational interests of students, safeguards taxpayer resources, and constitutes a valid
18 exercise of the legislative power vested in this body by the Constitution of the State of
19 Georgia, including but not limited to the local amendment to the Constitution originally
20 enacted in Ga. L. 1947, p. 1753, amended in Ga. L. 1962, p. 998, and continued in force
21 and effect as part of the current Constitution in Ga. L. 1985, p. 4078.

22 (b) As used in this section, the term:

23 (1) 'Board' means the DeKalb County Board of Education provided for in this Act with
24 governing authority over the DeKalb County School System.

25 (2) 'Candidate' means any natural person who submits an application, expresses interest
26 in, or is under consideration for appointment to the position of superintendent of the
27 DeKalb County School System.

28 (3) 'Finalist' means any candidate for superintendent who has progressed through initial
29 screening procedures and is under serious, active, and substantive consideration by the
30 board for recommendation, nomination, or appointment to the superintendent position.

31 (c) This section shall be liberally construed to effectuate its purposes and advance the
32 legislative intent expressly articulated in this section.

33 (d) Notwithstanding any other provision of local law, custom, practice, or prior board
34 policy to the contrary, the board shall not, under any circumstances, employ, appoint,
35 contract with, or otherwise engage any person to serve as superintendent unless and until
36 such person has successfully completed a comprehensive background investigation
37 conducted in accordance with the requirements, standards, and procedures prescribed in
38 this section.

39 (e)(1) The board shall cause a comprehensive background investigation to be initiated
40 for every finalist before any employment offer, letter of intent, memorandum of
41 understanding, or contract proposal is extended, negotiated, or discussed with such
42 finalist. No finalist shall advance to contract negotiation, public announcement as the

43 preferred candidate, or recommendation for board approval until the comprehensive
44 background investigation has been completed and the results thereof presented to the
45 board in executive session.

46 (2) Background investigations shall be initiated within five business days following the
47 board's identification of finalists and shall be completed with due diligence and
48 reasonable dispatch.

49 (3) A comprehensive background investigation satisfying the requirements of this
50 subsection shall include:

51 (A) A comprehensive criminal records search;

52 (B) Independent, third-party verification of all academic degrees, certificates,
53 diplomas, and educational credentials claimed by the candidate;

54 (C) Thorough verification and investigation of the candidate's complete employment
55 history for the preceding 20 years;

56 (D) Comprehensive verification of all professional licenses, certificates, endorsements,
57 and credentials held by the candidate;

58 (E) Procurement and analysis of a comprehensive consumer credit report from all three
59 major consumer reporting agencies to assess financial responsibility, stability, and
60 potential vulnerabilities of the candidate;

61 (F) A comprehensive search of civil court records in all jurisdictions where the
62 candidate has resided or been employed;

63 (G) Review and investigation of any administrative complaints, professional conduct
64 violations, ethical grievances, or regulatory proceedings involving the candidate;

65 (H) A comprehensive review of the candidate's publicly available social media
66 accounts, internet presence, published writings, public statements, and digital footprint,
67 conducted in compliance with all applicable federal and state privacy laws;

68 (I) Structured interviews with professional references and former colleagues,
69 supervisors, subordinates, and board members who have worked with the candidate,
70 designed to assess:

- 71 (i) Leadership style and effectiveness;
- 72 (ii) Interpersonal and communication skills;
- 73 (iii) Fiscal management competence;
- 74 (iv) Ethical standards and integrity;
- 75 (v) Ability to work collaboratively with governing boards; and
- 76 (vi) Any concerns regarding professional conduct or fitness for superintendency; and

77 (J) A comprehensive search of news media archives, press reports, investigative
78 journalism, and public records for any mention of the candidate in connection with
79 controversies, investigations, scandals, or adverse publicity.

80 (f)(1) All comprehensive background investigations required pursuant to this section
81 shall be conducted by a qualified, independent third-party investigative firm or agency
82 possessing a demonstrated expertise in executive-level background investigations and has
83 no direct or indirect business relationship with the candidate or any entity with which the
84 candidate is affiliated.

85 (2) Background investigations shall comply with all requirements of the federal Fair
86 Credit Reporting Act, 15 U.S.C. Section 1681, et seq., Equal Employment Opportunity
87 Commission guidance, and standards of the Georgia Professional Standards Commission
88 established pursuant to O.C.G.A. Code Section 20-2-200, et seq., or its successor agency.
89 Background investigation reports and related materials shall be maintained in a secure,
90 confidential personnel file with strictly limited access. Background investigation
91 materials shall be retained for a minimum period of seven years following separation
92 from employment or discontinuation of candidacy. Disclosure of background
93 investigation materials shall be governed by applicable personnel records privacy laws,

94 the Georgia open records law at O.C.G.A. Code Section 50-18-70, et seq., and the
95 Georgia Records Act, O.C.G.A. Code Section 50-18-90, et seq.

96 (3) The board shall bear all costs, fees, and expenses associated with comprehensive
97 background investigations required pursuant to this section. No cost or fee associated
98 with background investigations shall be assessed against or collected from candidates.
99 All background investigation expenditures shall be properly documented, accounted for,
100 and disclosed in the district's financial records as a component of superintendent search
101 and recruitment costs.

102 (g)(1) The board shall require the investigating vendor to provide a comprehensive
103 written report documenting all investigative procedures, findings, verifications, and any
104 adverse information discovered. Upon completion of each comprehensive background
105 investigation, the investigating vendor shall provide a complete written report to the
106 board's legal counsel for preliminary review and analysis.

107 (2) The legal counsel shall present the background investigation results to the full board
108 in a properly noticed executive session conducted pursuant to O.C.G.A. Code Sections
109 50-14-2 and 50-14-3.

110 (3) The board shall not proceed to public session consideration, employment offer, or
111 contract negotiation until and unless the board has received and reviewed the
112 comprehensive background investigation report.

113 (h)(1) Upon the board selecting one or more finalists, the board shall enter into contract
114 negotiations with such finalists to develop an employment contract for the superintendent.
115 Prior to the board appointing a finalist as superintendent or the board or a finalist entering
116 into any employment contract, the board shall post on the school system's website for a
117 minimum of seven days the final form of the proposed contract between the board and
118 the superintendent and a financial impact study that details the following provisions of
119 the contract, if applicable:

- 120 (A) Total compensation to be paid to the superintendent, including any contractual
121 bonuses;
- 122 (B) All benefits to be provided to the superintendent;
- 123 (C) All leave or paid time off to be provided to the superintendent;
- 124 (D) Renewal provisions; and
- 125 (E) Total payout amount due to the superintendent if his or her contract is terminated
126 by the board.
- 127 (2) The board shall not appoint a superintendent until the employment contract is in its
128 final form, and the board shall not appoint a superintendent subject to final negotiation
129 of the contract or subject to finalization of terms.
- 130 (3) At a regularly scheduled meeting, not less than seven days after the posting of the
131 final contract and financial impact study required by paragraph (1) of this subsection, the
132 board shall take a roll-call vote to approve the appointment of the superintendent and to
133 approve the employment contract for said superintendent.
- 134 (i) The publication and timeline provisions of subsection (h) of this section shall also apply
135 to any action by the board to extend, renew, or terminate the contract of a superintendent,
136 as well as any other action where the board seeks to enter into a separation or settlement
137 agreement with the superintendent so as to terminate his or her employment as
138 superintendent.
- 139 (j) The board shall maintain a publicly accessible internet portal where persons can
140 retrieve, review, download, or print all public documents related to the search, selection,
141 appointment, suspension, removal, or termination of superintendents, and such documents
142 shall be maintained on such portal for a period of not less than ten years."

143 **SECTION 2.**

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