

House Bill 115

By: Representatives Dickson of the 6th, Lindsey of the 54th, Coleman of the 97th, and Casas of the 107th

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 revise provisions relating to suspension and
3 removal of local school board members under certain circumstances; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
8 boards of education, is amended by revising Code Section 20-2-73, relating to suspension
9 and removal of local school board members under certain circumstances, as follows:

10 "20-2-73.

11 (a)(~~H~~) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the
12 contrary, if a local school system or school is placed on the level of accreditation
13 immediately preceding loss of accreditation for school board governance related reasons
14 by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of
15 Code Section 20-3-519, the State Board of Education shall, upon written notice from the
16 accrediting agency, conduct a hearing in not less than ten days nor more than ~~30~~ 90 days
17 and recommend to the Governor whether to suspend all eligible members of the local
18 board of education with pay. A majority of the members of a local board of education
19 may petition the State Board of Education to continue any hearing scheduled under this
20 subsection. Upon a showing of good cause, the state board may in its sound discretion
21 continue any such hearing. Notwithstanding any other provision of law, deliberations
22 held by the State Board of Education pursuant to this subsection to formulate its
23 recommendation to the Governor shall not be open to the public; provided, however, that
24 testimony shall be taken in an open meeting and the recommendation shall be announced
25 in an open meeting following the hearing or at the next regularly scheduled meeting. If
26 the State Board of Education makes such recommendation, the Governor may, in his or

27 her discretion, suspend all eligible members of the local board of education with pay and,
28 in consultation with the State Board of Education, appoint temporary replacement
29 members who shall be otherwise qualified to serve as members of such board.

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

42 (b) Any local board of education member suspended under this Code section may petition
43 the Governor for reinstatement no earlier than 30 days following suspension and no later
44 than 60 days following suspension. In the event that a suspended member does not petition
45 for reinstatement within the allotted time period, his or her suspension shall be converted
46 into permanent removal, and the temporary replacement member shall become a permanent
47 member and serve out the remainder of the term of the removed member.

48 (c) Upon petition for reinstatement by a suspended local board of education member, the
49 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
50 evidence relative to whether the local board of education member's continued service on
51 the local board of education is more likely than not to improve the ability of the local
52 school system or school to retain or regain its accreditation. The appealing member shall
53 be given at least 30 days' notice prior to such hearing. Such hearing shall be held not later
54 than 90 days after the petition is filed and in accordance with Chapter 13 of Title 50, the
55 'Georgia Administrative Procedure Act,' except that the individual conducting the hearing
56 shall have the power to call witnesses and request documents on his or her own initiative.
57 For purposes of said chapter and any hearing conducted pursuant to this Code section, the
58 Governor shall be considered the agency, and the Attorney General or his or her designee
59 shall represent the interests of the Governor in the hearing. If it is determined that it is
60 more likely than not that the local board of education member's continued service on the
61 local board of education improves the ability of the local school system or school to retain
62 or regain its accreditation, the member shall be immediately reinstated; otherwise, the
63 member shall be permanently removed, and the temporary replacement member shall

64 become a permanent member and serve out the remainder of the term of the removed
65 member or until the next general election which is at least six months after the member was
66 permanently removed, whichever is sooner. Judicial review of any such decision shall be
67 in accordance with Chapter 13 of Title 50.

68 (d) ~~Paragraph (1) of subsection~~ Subsection (a) of this Code section shall apply to a local
69 school system or school which is placed on the level of accreditation immediately
70 preceding loss of accreditation on or after April 20, 2011.

71 (e) ~~This Code section shall apply to all local board of education members, regardless of~~
72 ~~when they were elected or appointed~~ For purposes of this Code section, an eligible member
73 of a local board of education shall mean a board member who was serving on the local
74 board at the time the accrediting agency placed the local school system or school on the
75 level of accreditation immediately preceding loss of accreditation."

76 **SECTION 2.**

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