

House Bill 500

By: Representatives Bentley of the 139th, Sharper of the 177th, Stovall of the 74th, Dickerson of the 113th, and Beverly of the 143rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-51 of the Official Code of Georgia Annotated, relating to
2 election of local board of education members, persons ineligible to be members or
3 superintendent, ineligibility for local boards of education, and ineligibility for other elective
4 offices, so as to provide for a vacancy on a local board of education in the event that a
5 member is holding office in violation of the nepotism law; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 20-2-51 of the Official Code of Georgia Annotated, relating to election of local
10 board of education members, persons ineligible to be members or superintendent,
11 ineligibility for local boards of education, and ineligibility for other elective offices, is
12 amended by revising paragraph (4) of subsection (c) as follows:

13 "(4)(A) No person who has an immediate family member sitting on a local board of
14 education or serving as the local school superintendent or as a principal, assistant
15 principal, or system administrative staff in the local school system shall be eligible to
16 serve as a member of such local board of education. As used in this paragraph, the term
17 'immediate family member' means a spouse, child, sibling, or parent or the spouse of
18 a child, sibling, or parent whose employment as the local school superintendent or as
19 a principal, assistant principal, or system administrative staff in the local school system
20 began on or after January 1, 2010. This paragraph shall apply only to local board of
21 education members elected or appointed on or after July 1, 2009. Nothing in this Code
22 section shall affect the employment of any person who is employed by a local school
23 system on or before July 1, 2009, or who is employed by a local school system when
24 an immediate family member becomes a local board of education member for that
25 school system. In the event that a member of a local board of education, in violation
26 of this subparagraph, has an immediate family member that is a member of the local

27 board of education or that is named as the local school superintendent or as a principal,
 28 assistant principal, or system administrative staff in the local school system, such
 29 person shall cease to be a member of such local board of education and a vacancy shall
 30 occur. The secretary of the local board of education, or the chairperson if such member
 31 in violation is serving as the secretary, shall provide notice of such vacancy to the
 32 election superintendent within ten days of such occurrence. Such vacancy shall be
 33 filled in accordance with Code Section 20-2-54.1.

34 (B) Notwithstanding subsection (b) of Code Section 20-2-244, in local school systems
 35 in which the initial fall enrollment count conducted in 2009 pursuant to Code Section
 36 20-2-160 does not exceed a full-time equivalent count of 2,800, the State Board of
 37 Education shall be authorized to waive this paragraph upon the request of a local board
 38 of education or an individual attempting to qualify to run for local board of education
 39 member and in accordance with the provisions of subsections (d) and (e) of Code
 40 Section 20-2-244; provided, however, that prior to submitting any such request, the
 41 local board of education shall, upon its own initiative, or at the request of such
 42 individual attempting to qualify to run for local board of education member:

- 43 (i) Provide 30 days' notice of the individual's intent to run for office; and
 44 (ii) Conduct a public hearing for the purpose of providing an opportunity for full
 45 discussion and public input on the issue of potential nepotism problems and other
 46 concerns with regard to such waiver. The public hearing shall be advertised at least
 47 seven days prior to the date of such hearing in a local newspaper of general
 48 circulation which shall be the same newspaper in which other legal announcements
 49 of the local board of education are advertised. The public hearing may be conducted
 50 in conjunction with a regular or called meeting of the local board or may be
 51 conducted independently, at the local board's discretion.

52 The cost of such notice and public hearing shall be borne by the local board. The State
 53 Board of Education shall approve or deny a waiver request no later than 45 days after
 54 receipt of such waiver request, taking into consideration whether the benefit to the
 55 public would justify approval of the waiver. An approved waiver must be received by
 56 the local election superintendent prior to an individual's filing of a declaration or notice
 57 of candidacy in accordance with Article 4 of Chapter 2 of Title 21."

58 **SECTION 2.**

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