

Senate Bill 357

By: Senators Williams of the 27th, Ligon, Jr. of the 3rd, McKoon of the 29th and Crane of the 28th

**AS PASSED SENATE**

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 standards for local  
3 board of education members; to provide that a code of ethics shall not interfere in rights of  
4 free speech; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
8 secondary education, is amended by revising Code Section 20-2-49, relating to standards for  
9 local board of education members, as follows:

10 "20-2-49.

11 The General Assembly finds that local boards of education play a critical role in setting the  
12 policies that lead to the operation and success of local school systems. School board  
13 members hold special roles as trustees of public funds, including local, state, and federal  
14 funds, while they focus on the singular objective of ensuring each student in the local  
15 school system receives a quality basic education enabling the student to fulfill his or her  
16 God-given potential and equipping him or her for full citizenship in our constitutional  
17 republic. Board duties require ~~specialized~~ skills and training in the performance of vision  
18 setting, policy making, approving multimillion dollar budgets, and hiring a qualified  
19 superintendent. The motivation to serve as a member of a local board of education should  
20 be the improvement of schools, which should include maintaining accreditation, and the  
21 academic achievement of all students, and the effective representation of parents' and other  
22 constituents' interests in the operation of on the local school system board. Service on a  
23 local board of education is important citizen ~~service.~~ Given service and representation,  
24 given the specialized nature and unique role of membership on a local board of education,  
25 ~~this elected office should be characterized and treated differently from other elected offices~~  
26 ~~where the primary duty is independently to represent constituent views.~~ Local board of

27 ~~education members should abide by~~ A local board of education shall create a code of  
 28 conduct and conflict of interest policy modeled for their unique roles and responsibilities  
 29 by which each member should abide, provided that no such code of conduct or conflict of  
 30 interest policy may interfere with a member's right to free speech under the First  
 31 Amendment to the United States Constitution and Article I, Section I, Paragraph V of the  
 32 Georgia Constitution. ~~And although there are many measures of the success of a local~~  
 33 ~~board of education, one is clearly essential: maintaining accreditation and the opportunities~~  
 34 ~~it allows the school system's students."~~

### 35 **SECTION 2.**

36 Said chapter is further amended by revising subsection (e) of Code Section 20-2-51, relating  
 37 to election of local board of education members, persons ineligible to be members or  
 38 superintendent, ineligibility for local boards of education, and ineligibility for other elective  
 39 offices, as follows:

40 "(e) In addition to any other requirements provided by law, no person shall be eligible for  
 41 election as a member of a local board of education unless he or she:

42 (1) Has read and understands the code of ethics and the conflict of interest provisions  
 43 ~~applicable to members of local boards of education~~ established for service on the local  
 44 board of education and has agreed to abide by them; and

45 (2) Has agreed to annually disclose compliance with the State Board of Education's  
 46 policy on training for members of local boards of education, the code of ethics of the  
 47 local board of education, and the conflict of interest provisions applicable to members of  
 48 local boards of education.

49 Each person offering his or her candidacy for election as a member of a local board of  
 50 education shall file an affidavit with the officer before whom such person has qualified for  
 51 such election prior to or at the time of qualifying, which affidavit shall affirm that he or she  
 52 meets all of the qualifications required pursuant to this subsection. This subsection shall  
 53 apply only to local board of education members elected or appointed on or after July 1,  
 54 2010."

### 55 **SECTION 3.**

56 Said chapter is further amended by revising Code Section 20-2-72, relating to code of ethics  
 57 for local board of education members, as follows:

58 "20-2-72.

59 (a) The State Board of Education shall adopt a model code of ethics for members of local  
 60 boards of education by October 1, 2010. Such model code of ethics shall also include  
 61 appropriate consequences for violation of a provision or provisions of such code. The State

62 Board of Education may periodically adopt revisions to such model code as it deems  
63 necessary.

64 (b) Within three months of adoption by the State Board of Education of a model code of  
65 ethics pursuant to subsection (a) of this Code section, each local board of education shall  
66 adopt a code of ethics that includes, at a minimum, such model code of ethics, provided  
67 that no such code of conduct or conflict of interest policy may interfere with a member's  
68 right to free speech under the First Amendment to the United States Constitution and  
69 Article I, Section I, Paragraph V of the Georgia Constitution. Each local board of  
70 education shall incorporate into its code of ethics any revisions adopted by the State Board  
71 of Education to the model code of ethics pursuant to subsection (a) of this Code section  
72 within three months of adoption of such revisions."

73 **SECTION 4.**

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