

House Bill 550

By: Representatives Scott of the 76<sup>th</sup>, Dawkins-Haigler of the 91<sup>st</sup>, Dukes of the 154<sup>th</sup>, Stephenson of the 90<sup>th</sup>, Smith of the 125<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to  
2 suspension and removal of local school board members under certain circumstances, so as  
3 to establish a peer review committee to make recommendations to the Governor regarding  
4 removal of local school board members; to provide for election and terms; to provide for  
5 legislative findings; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 The General Assembly finds:

- 10 (1) Elected boards in every school system in Georgia are charged with the awesome  
11 responsibility of making decisions to ensure that the schools are well managed and budgets  
12 are balanced and the quality of education for the more than 1.6 million students who attend  
13 Georgia schools is largely dependent on how well those decisions are made;
- 14 (2) It is important that local boards of education operate effectively and are trained to  
15 govern with "best practices" that reflect decisions that are made in the best interest of the  
16 students in the school systems in which they were elected to serve;
- 17 (3) While the Southern Association of Colleges and Schools is a recognized accrediting  
18 agency for schools and universities, it is not an elected body;
- 19 (4) While the Southern Association of Colleges and Schools does appear to act in the best  
20 interest of the students, it is not equipped to make recommendations for the removal of  
21 elected officials as an entity on its own; and
- 22 (5) While a peer review process is acknowledged in the professional world, it could also  
23 be beneficial in the area of local boards of education.

24 **SECTION 2.**

25 Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to suspension and  
 26 removal of local school board members under certain circumstances, is amended by revising  
 27 subsection (a) as follows:

28 "(a)(1) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the  
 29 contrary, if a local school system or school is placed on the level of accreditation  
 30 immediately preceding loss of accreditation for school board governance related reasons  
 31 by one or more accrediting agencies included in subparagraph (A) of paragraph (6) of  
 32 Code Section 20-3-519, the ~~State Board of Education~~ local board of education shall  
 33 provide written notification to the peer review committee established pursuant to  
 34 paragraph (2) of this subsection within three business days of such placement level, and  
 35 the peer review committee shall conduct a hearing review in not less than ten days nor  
 36 more than 30 days and recommend to the Governor whether or not to suspend all eligible  
 37 members of the local board of education with pay. The peer review committee may  
 38 request additional information from the accrediting agency for purposes of formulating  
 39 a recommendation. If the ~~State Board of Education~~ peer review committee makes such  
 40 recommendation, the Governor may, in his or her discretion, suspend or not suspend all  
 41 eligible members of the local board of education with pay and, in consultation with the  
 42 ~~State Board of Education~~ peer review committee, appoint temporary replacement  
 43 members who shall be otherwise qualified to serve as members of such board.

44 ~~(2) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the~~  
 45 ~~contrary, if a local school system or school has been placed on, as of April 20, 2011, the~~  
 46 ~~level of accreditation immediately preceding loss of accreditation for school board~~  
 47 ~~governance related reasons by one or more accrediting agencies included in subparagraph~~  
 48 ~~(A) of paragraph (6) of Code Section 20-3-519 and does not regain full accreditation~~  
 49 ~~status by July 1, 2011, the State Board of Education shall conduct a hearing in not less~~  
 50 ~~than ten days nor more than 30 days and recommend to the Governor whether to suspend~~  
 51 ~~all members of the local board of education with pay. If the State Board of Education~~  
 52 ~~makes such recommendation, the Governor may, in his or her discretion, suspend all~~  
 53 ~~members of the local board of education with pay and, in consultation with the State~~  
 54 ~~Board of Education, appoint temporary replacement members who shall be otherwise~~  
 55 ~~qualified to serve as members of such board. Beginning July 1, 2013, a peer review~~  
 56 ~~committee is hereby created to be composed of one local board of education member~~  
 57 ~~from each of the 14 districts recognized by the Georgia School Boards Association. Each~~  
 58 ~~member shall be elected by the local board members from the applicable district. The~~  
 59 ~~members of the committee will serve for terms of two years."~~

60

**SECTION 3.**

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