

House Bill 836 (AS PASSED HOUSE AND SENATE)

By: Representatives Cheokas of the 138th and Rynders of the 152nd

A BILL TO BE ENTITLED
AN ACT

1 To revise and restate the law relating to the Sumter County board of education and school
2 superintendent; to repeal specific former Acts; to provide for a change in the number of
3 members of the board and the districts from which they are elected; to provide for eligibility,
4 manner of election, and filling of vacancies; to provide for a chairperson and vice
5 chairperson; to provide for compensation; to provide for appointment of the school
6 superintendent; to direct the election superintendent to call and conduct a special election;
7 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 An Act relating to the Sumter County board of education and school superintendent,
12 approved May 12, 2011 (Ga. L. 2011, p. 4020), and an amendatory Act thereto approved
13 September 21, 2011 (Ga. L. 2011 Ex. Sess., p. 280), are repealed in their entirety.

14 style="text-align:center">**SECTION 2.**

15 (a) The purpose of this Act is to revise and restate the law relating to the Sumter County
16 board of education and school superintendent. Provisions relating to the school
17 superintendent and the compensation of members of the board of education are restated from
18 prior law without substantial change. The number of members of the board of education will
19 be reduced from nine at the current time to seven for the year 2015 and future years. Five
20 members will be elected from the school board districts provided for in this Act and two
21 members of the board will be elected from Sumter County at large.

22 (b) The Sumter County board of education that existed on December 31, 2013, is continued
23 in existence but on and after January 1, 2015, shall be reconstituted as provided for in this
24 Act. The Sumter County board of education so continued and reconstituted, sometimes

25 referred to in this Act as the "board," shall continue to have the powers, duties, rights,
26 obligations, and liabilities of such board as existed immediately prior to January 1, 2015.

27 **SECTION 3.**

28 (a) The five current members of the Sumter County board of education representing School
29 Board Districts 3, 5, 7, 8, and 9 in office on the effective date of this Act shall serve out the
30 remainder of the terms for which they were elected, such terms expiring at the end of 2014.

31 (b) At a special election in 2014, a total of four members of the Sumter County board of
32 education shall be elected from School Board Districts 1, 2, 4, and 6, as such districts existed
33 on December 31, 2013. Such members shall take office immediately following the special
34 election and shall serve for terms of office ending on December 31, 2014.

35 (c) In the event of any vacancy in the term of office of one of the current board members
36 referred to in this section, such vacancy shall be filled for the remainder of the unexpired
37 term in the manner provided by the law in effect prior to this Act.

38 **SECTION 4.**

39 (a) On and after January 1, 2015, for purposes of electing members of the board of
40 education, the Sumter County School District is divided into five school board districts. One
41 member of the board shall be elected from each such district. The five school board districts
42 shall be and correspond to those five numbered districts described in and attached to and
43 made a part of this Act and further identified as "Plan Name: sumterccsb-2011 Plan Type:
44 Local User: bak".

45 (b)(1) When used in such attachment, the term "VTD" (voting tabulation district) shall
46 mean and describe the same geographical boundaries as provided in the report of the
47 Bureau of the Census for the United States decennial census of 2010 for the State of
48 Georgia.

49 (2) The separate numeric designations in a district description which are underneath a
50 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
51 report of the Bureau of the Census for the United States decennial census of 2010 for the
52 State of Georgia. Any part of the Sumter County School District which is not included in
53 any such district described in such attachment shall be included within that district
54 contiguous to such part which contains the least population according to the United States
55 decennial census of 2010 for the State of Georgia.

56 (3) Any part of the Sumter County School District which is described in such attachment
57 as being in a particular district shall nevertheless not be included within such district if such
58 part is not contiguous to such district. Such noncontiguous part shall instead be included

59 within that district contiguous to such part which contains the least population according
60 to the United States decennial census of 2010 for the State of Georgia.

61 (4) Except as otherwise provided in the description of any school board district, whenever
62 the description of such district refers to a named city, it shall mean the geographical
63 boundaries of that city as shown on the census map for the United States decennial census
64 of 2010 for the State of Georgia.

65 (c)(1) The members of the reconstituted Sumter County board of education shall be elected
66 as provided in this subsection.

67 (2) At the nonpartisan general election in 2014 and quadrennially thereafter, a total of four
68 members of the board of education shall be elected as follows: three members elected from
69 School Board Districts 1, 3, and 5, as newly described under this Act, and one member
70 elected from Sumter County at large. Such members shall take office the first day of
71 January immediately following their election for terms of four years and until their
72 successors are duly elected and qualified.

73 (3) At the nonpartisan general election in 2014, a total of three members of the board of
74 education shall be elected as follows: two members elected from School Board Districts
75 2 and 4, as newly described under this Act, and one member elected from Sumter County
76 at large. Such members shall take office the first day of January immediately following
77 such election for terms of two years and until their successors are duly elected and
78 qualified. At the nonpartisan general election in 2016 and quadrennially thereafter, a total
79 of three members of the board of education shall be elected as follows: two members
80 elected from School Board Districts 2 and 4, as newly described under this Act, and one
81 member elected from Sumter County at large. Such members shall take office the first day
82 of January immediately following their election for terms of four years and until their
83 successors are duly elected and qualified.

84 (d) Until January 1, 2015, a quorum of the board shall be five members. On and after
85 January 1, 2015, a quorum of the board shall be four members.

86 **SECTION 5.**

87 (a) No person shall be a member of the board of education if he or she is ineligible for such
88 office pursuant to the provisions of Code Section 20-2-51 or 45-2-1 or any other provision
89 contained in the O.C.G.A.

90 (b) In order to be elected as a member of the board from a school board district, a person
91 must receive a majority of the votes cast for that office in that district only and not at large.
92 Only electors who are residents of that district may vote for a member of the board from that
93 district. At the time of qualifying for election as a member of the board from a district, each
94 candidate for such office shall specify the district for which that person is a candidate. A

95 person elected as a member of the board from a district must continue to reside in that district
96 during that person's term of office or that office shall thereupon become vacant.

97 **SECTION 6.**

98 In the event a vacancy occurs in the membership of the board of education for any reason,
99 such vacancy shall be filled as follows:

100 (1) If the vacancy occurs more than 90 days prior to the date of a nonpartisan general
101 election preceding the nonpartisan general election at which a successor would be elected
102 to a new full term of office, then such vacancy shall be filled for the unexpired term of
103 office at a special election to be held on the same date as such nonpartisan general election
104 preceding the nonpartisan general election at which a successor would be elected to a new
105 full term of office; and in this case the remaining members of the board of education shall,
106 by majority vote, select a qualified person to fill the vacancy until the person elected at
107 such special election takes office; and

108 (2) If the vacancy does not occur more than 90 days prior to the date of a nonpartisan
109 general election preceding the nonpartisan general election at which a successor would be
110 elected for a new full term of office, then the remaining members of the board of education
111 shall, by majority vote, select a qualified person to serve for the remainder of the unexpired
112 term.

113 **SECTION 7.**

114 Members of the board of education shall be elected in nonpartisan elections as authorized by
115 Code Section 21-2-139 of the O.C.G.A.

116 **SECTION 8.**

117 At the first meeting of the board of education in January of each year, the board shall elect
118 a chairperson and a vice chairperson, each of whom shall be eligible to succeed himself or
119 herself.

120 **SECTION 9.**

121 Each member of the board of education shall be compensated in the amount of \$200.00 per
122 month. In addition, each member of the board shall be entitled to reimbursement up to a
123 maximum of \$2,500.00 per year for actual expenses necessarily incurred in connection with
124 travel outside of the county on official business of the board of education, including, but not
125 limited to, attending training sessions or state-wide meetings; provided, however, that such
126 travel is authorized by a majority vote of the members of the board of education prior thereto.
127 All expenses shall be approved and verified prior to reimbursement in such manner as may

128 be specified by the board. Each board member shall be entitled to participate in any school
129 district group insurance plan to the extent authorized in Code Section 20-2-55 of the
130 O.C.G.A.

131 **SECTION 10.**

132 The board shall appoint a superintendent of the Sumter County School District as provided
133 by Code Section 20-2-101 of the O.C.G.A. The superintendent shall possess the
134 qualifications prescribed by the laws of this state for local school superintendents and shall
135 be compensated in an amount to be determined by the board. The present superintendent
136 shall remain in office until his or her successor is appointed.

137 **SECTION 11.**

138 The election superintendent of Sumter County shall call and conduct a special election as
139 provided in subsection (b) of Section 3 of this Act in accordance with general law. The
140 superintendent shall set the date of such special election at the earliest possible date provided
141 for in subparagraph (c)(1)(B) of Code Section 21-2-540 of the O.C.G.A. after the effective
142 date of this Act.

143 **SECTION 12.**

144 This Act shall become effective upon its approval by the Governor or upon its becoming law
145 without such approval.

146 **SECTION 13.**

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