

## Senate Bill 98

By: Senators Anavitarte of the 31st, Dixon of the 45th, Echols of the 49th, Dolezal of the 27th, Gooch of the 51st and others

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 prohibit local board of education members from  
3 discussing individual personnel matters with school officials except under certain  
4 circumstances provided by law; to prohibit retaliation by local board of education members;  
5 to require the State Board of Education's model code of ethics to include provisions  
6 prohibiting local board of education members from discussing individual personnel matters  
7 with school officials except under certain circumstances provided by law; to prohibit  
8 retaliation by local board of education members; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local  
13 boards of education, is amended by revising subsection (a) of Code Section 20-2-61, relating  
14 to fundamental roles of local boards of education and local school superintendents, as  
15 follows:

16 "(a) The fundamental role of a local board of education shall be to establish policy for the  
17 local school system with the focus on student achievement. The fundamental role of a local  
18 school superintendent shall be to implement the policy established by the local board. It  
19 shall not be the role of the local board of education or individual members of such board  
20 to micromanage the superintendent in executing his or her duties, but it shall be the duty  
21 of the local board to hold the local school superintendent accountable in the performance  
22 of his or her duties; provided, however, that requesting and reviewing financial data and  
23 documents shall not constitute micromanaging. No local board of education member shall  
24 discuss any individual personnel matter with the local school superintendent or a school  
25 administrator, teacher, or other school personnel except as provided for in Code Section  
26 20-2-943, paragraph (2) of subsection (a) of Code Section 20-2-989.7, Code Section  
27 20-2-989.8, Code Section 20-2-1160, paragraph (2) of subsection (b) of Code Section  
28 50-14-3, Code Section 50-14-4, or as otherwise specifically authorized by law. No local  
29 board of education member shall retaliate against the local school superintendent or a  
30 school administrator, teacher, or other school personnel for engaging in protected political  
31 activity. Local board of education members should work together with the entire local  
32 board of education and shall not have authority as independent elected officials but shall  
33 only be authorized to take official action as members of the board as a whole. Local board  
34 of education members should be professional and provide fair and courteous treatment in  
35 their dealings with members of the public. Nothing in this subsection shall be construed  
36 to alter, limit, expand, or enlarge any powers, duties, or responsibilities of local boards of  
37 education, local board members, or local school superintendents."

38

**SECTION 2.**

39 Said article is further amended by revising subsection (a) of Code Section 20-2-72, relating  
40 to code of ethics for local board of education members, as follows:

41 "(a) The State Board of Education shall adopt a model code of ethics for members of local  
42 boards of education by October 1, 2010. Such model code of ethics shall include a  
43 provision which prohibits local board of education members from:  
44 (1) Discussing any individual personnel matter with the local school superintendent or  
45 a school administrator, teacher, or other school personnel except as provided for in Code  
46 Section 20-2-943, paragraph (2) of subsection (a) of Code Section 20-2-989.7, Code  
47 Section 20-2-989.8, Code Section 20-2-1160, paragraph (2) of subsection (b) of Code  
48 Section 50-14-3, Code Section 50-14-4, or as otherwise specifically authorized by law;  
49 and  
50 (2) Retaliating against the local school superintendent or a school administrator, teacher,  
51 or other school personnel for engaging in protected political activity. Such model code  
52 of ethics shall also include appropriate consequences for violation of a provision or  
53 provisions of such code. The State Board of Education may periodically adopt revisions  
54 to such model code as it deems necessary."

55

**SECTION 3.**

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