

The Senate Committee on Education and Youth offered the following substitute to SB 98:

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Kathy West Act."

13 **SECTION 2.**

14 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
15 boards of education, is amended by revising subsection (a) of Code Section 20-2-61, relating

16 to fundamental roles of local boards of education and local school superintendents, as
17 follows:

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

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SECTION 3.

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~~ 2023. Such model code of ethics shall include a
43 provision which prohibits local board of education members from discussing any individual
44 personnel matter with the local school superintendent or a school administrator, teacher,
45 or other school personnel except as provided for in Code Section 20-2-943, paragraph (2)
46 of subsection (a) of Code Section 20-2-989.7, Code Section 20-2-989.8, Code Section
47 20-2-1160, paragraph (2) of subsection (b) of Code Section 50-14-3, Code Section 50-14-4,
48 or as otherwise specifically authorized by law; provided, however, that the mere referral
49 of a personnel matter to the local school superintendent shall not be prohibited. Such
50 model code of ethics shall also include appropriate consequences for violation of a
51 provision or provisions of such code. The State Board of Education may periodically adopt
52 revisions to such model code as it deems necessary."

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SECTION 4.

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

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SECTION 5.

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