

House Bill 742 (AS PASSED HOUSE AND SENATE)

By: Representatives Dubnik of the 29th, Dunahoo of the 30th, Hawkins of the 27th, and Barr of the 103rd

A BILL TO BE ENTITLED
AN ACT

1 To continue the existence of the Gainesville City School District as an independent school
2 system; to provide for powers of the board of education; to provide for number of members,
3 districts, elections, qualifications of members, organization, and compensation of the board
4 of education; to provide for the position of superintendent; to provide for related matters; to
5 repeal and reserve provisions of a specific Act; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 ARTICLE I.
9 INDEPENDENT SCHOOL SYSTEM

10 SECTION 1-1.
11 Independent school system.

12 In accordance with the laws of the State of Georgia, the Gainesville City School District,
13 hereinafter referred to as the "district," shall be continued as an independent public school
14 system, created by the General Assembly and the provisions of this Act, and shall be

15 maintained, supported, and provided for by local taxation, and otherwise in the manner
16 provided in this Act and the laws of the State of Georgia. The district shall be under the
17 management and control of a board of education, hereinafter referred to as the "board."
18 Except as provided herein, the district and the board shall be subject to the general laws of
19 this state.

20 ARTICLE II.

21 POWERS OF THE BOARD OF EDUCATION

22 SECTION 2-1.

23 General powers.

24 The board shall possess all powers as are granted to boards of education under the
25 Constitution and general laws of the State of Georgia, together with the additional powers
26 set forth in this Act.

27 SECTION 2-2.

28 Title, care, and custody of property.

29 The board is vested with the title, care, and custody of all real or personal property used by
30 the district for educational purposes or for the administration of the district, with the power
31 to control such property in such manner as it believes will best serve the interest of the public
32 schools. Title to the properties of elementary, middle, alternative, and high schools under
33 the control of the Gainesville City School District presently and in the future shall be and is
34 vested in the board, with title to all infrastructure supporting the provision of general
35 governmental services to these tracts, including utilities and public roads, to remain vested
36 in the City of Gainesville, Georgia, hereinafter referred to as the "city."

SECTION 2-3.

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Ad valorem taxes and related matters.

39 (a) The board shall annually recommend to the mayor and council of the city the millage
40 rate of the ad valorem tax for educational purposes, not greater than the mills per dollar
41 authorized and allowed under the laws and Constitution of the State of Georgia, necessary
42 for the support, maintenance, and operation of the district. The city shall levy the tax so
43 certified by the board upon the assessed value of taxable property in the city for the
44 purposes so specified by the board.

45 (b) The board shall pay all expenses incurred for the levy and collection of ad valorem
46 taxes for the support and maintenance of education in the school district and may contract
47 for such services as provided in this Act or under Georgia law.

48 (c) After complying with the procedure for authorization of bonded debt set forth in
49 Georgia law and applicable to public school districts, the board shall have the power and
50 authority to issue bonds or notes, or both, for capital outlay purposes, which may include
51 buying and improving property for educational purposes and for the construction and
52 maintenance of public schools, administrative offices, and storage, maintenance,
53 transportation, and other facilities established and maintained under the direction of the
54 board, provided that the debt that may be created under this subsection shall never exceed
55 any limitations established by the Constitution or laws of the State of Georgia. Any
56 millage limitation referred to in this section shall not apply to the school tax levy necessary
57 for the payment of the bonded indebtedness of the district and shall apply only to the
58 portion of the school tax levied for the support, maintenance, and operation of the district.

59 (d) The board shall be authorized to participate in the establishment, management, and
60 dissolution of development districts, including community improvement districts and tax
61 allocation districts, existing presently or in the future.

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ARTICLE III.

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MEMBERS OF THE BOARD OF EDUCATION

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SECTION 3-1.

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Number of board members.

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The board shall consist of five members qualified and elected as provided by this Act and

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under Georgia law.

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SECTION 3-2.

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Education wards.

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(a) For purposes of electing board members, the district shall be divided into five

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education wards to be designated, respectively, as Education Wards 1 through 5. One

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member of the board shall be elected from each of the five education wards, with the

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member from each education ward elected by a plurality vote of the voters voting within

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that respective ward.

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(b) The General Assembly determines that the interest of the public is served by ensuring

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that the boundaries of the five education wards of the district correspond to the boundaries

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of the five wards from which councilmembers for the city are elected, hereinafter referred

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to as the "city wards," as such boundaries of Education Wards 1 through 5 shall be identical

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to the respective boundaries of city wards 1 through 5.

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(c) In the event of a lawful alteration of any of the city wards, the education wards shall

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be altered to correspond with the city wards by operation of law.

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(d) Board members serving on the effective date of any such alteration of education ward

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boundary shall serve out the term to which they were elected to.

84 SECTION 3-3.

85 Nonpartisan elections.

86 All members of the board shall be elected in nonpartisan elections as provided in Code
87 Section 21-2-139 of the O.C.G.A.

88 SECTION 3-4.

89 Qualifications of board members.

90 To qualify for election as a board member, a candidate shall have resided in the city for at
91 least the 12 months immediately preceding the date of his or her election, be at least 25 years
92 of age on the date of the election, and be otherwise eligible to hold a civil office under state
93 law. The board may specify additional qualifications, as permitted by state law.

94 SECTION 3-5.

95 Dates of election and terms of office.

96 The members of the board serving on the effective date of this Act shall serve out the terms
97 they were elected to. Successor members of the board shall be elected at the city's general
98 municipal election and shall serve for four-year terms beginning on the first day of January
99 immediately following their election.

100 SECTION 3-6.

101 Vacancies.

102 In the event of a vacancy occurring in the membership of the board for any reason other than
103 the expiration of a term, the vacancy shall be filled as provided in Code Section 20-2-54.1
104 of the O.C.G.A.

105 SECTION 3-7.

106 Election and duties of board chairperson.

107 The members of the board shall, at their first meeting in January of each year, elect from
108 their own membership a chairperson to serve for a term of office of one year. The board
109 shall elect such additional officers as it may deem appropriate to serve for the terms
110 established by the board. A member of the board may be reelected as chairperson. The
111 chairperson shall have all those powers and responsibilities as set forth under the
112 Constitution and laws of the State of Georgia applicable to the office of chairperson of a
113 board of education. The chairperson shall hold office at the will of the board, and the board
114 shall be authorized to fill vacancies occurring in that office.

115 SECTION 3-8.

116 Compensation of board members.

117 (a) The board shall set the compensation of its members, provided that before setting such
118 compensation the board shall hold two separate public hearings which shall be scheduled
119 to begin no earlier than 5:30 P.M. Any increase in compensation for members of the board
120 shall not go into effect until July 1 of the year following approval of the increase.

121 (b) Each member of the board shall be entitled to be reimbursed for actual expenses
122 necessarily incurred in connection with service on the board, including, but not limited to,
123 travel outside the district on official business or expenses incurred by a member or on
124 behalf of a member to provide technology or equipment necessary for a member to carry
125 out the business of the board. The board must approve any expenses paid to or on behalf
126 of a board member.

127 ARTICLE IV.
128 SUPERINTENDENT

129 SECTION 4-1.
130 Superintendent.

131 The board shall appoint a superintendent who shall have all the duties and responsibilities
132 of a superintendent of schools as set forth in Georgia law. The board and the superintendent
133 shall enter into an employment contract that establishes the compensation and terms of
134 employment of the superintendent.

135 ARTICLE V.
136 GENERAL PROVISIONS

137 SECTION 5-1.
138 Specific repealer.

139 Article VII of an Act to provide a new charter for the City of Gainesville, approved
140 April 11, 2012 (Ga. L. 2012, p. 4870), as amended, is hereby repealed and reserved.

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SECTION 5-2.

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General repealer.

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