



# **Local School Board Governance**

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# **Purpose of the Webinar**

# Discussion Topics

- What We've Done
- Where We Are Now
- What To Do Next
- Questions and Answers

# What We've Done

- 5/25/2010 - SB 84 was signed into law by Governor Perdue
- 10/14/2010 - The State Board of Education adopted Rule 160-5-1-.36 Local School Board Governance
- 11/10/2010 - The State Board of Education adopted final versions of its Model Code of Ethics Policy and Model Conflict of Interest Policy

# Where We Are Now

- **Georgia is breaking new ground to ensure that its local school boards are the best in the nation by:**
  - Having effective school board size and appropriate compensation. (O.C.G.A. § 20-2-52, O.C.G.A. § 20-2-55; SBOE 160-5-1-.36(3)-(4))
  - Having well-trained members (O.C.G.A. § 20-2-230; SBOE 160-5-1-.36(2))
  - Establishing a basis for a Code of Ethics, including a Conflicts of Interest Policy. (O.C.G.A. § 20-2-72; SBOE 160-5-1-.36(2))

# Where We Are Now

- **Georgia is breaking new ground to ensure that its local school boards are the best in the nation by:**
  - Preventing nepotism and conflicts of interest. (O.C.G.A. § 20-2-51, O.C.G.A. § 20-2-63, O.C.G.A. § 20-2-101; SBOE 160-5-1-.36(5))
  - Providing procedures for the sanction and removal of members. (O.C.G.A. § 20-2-63, O.C.G.A. § 20-2-73; SBOE 160-5-1-.36(6)-(7))

# Where We Are Now

- There are many new and different requirements for local boards of education and their members, some of which differ depending on when the board member was elected.
- To assist local boards in deciphering all that is required, the GaDOE created and frequently updates a Local School Board Governance portlet on its rules webpage.

# Where We Are Now

[www.gadoe.org/pea\\_policy.aspx](http://www.gadoe.org/pea_policy.aspx)

- The Local School Board Governance portlet on the GaDOE Policy webpage contains everything you want and need to know, including the SBOE Rule, guidance, model policies, sample local documents, and reporting requirements.

## LOCAL BOARD GOVERNANCE

- [Overview](#)
- [Timeline](#)
- [SBOE Rule](#)
- [SBOE Guidance](#)
- [Standards](#)
- [Code of Ethics](#)
- [Conflict of Interest](#)
- [Sample Compliance Form](#)



# What To Do Next

- **Adopt a Code of Ethics and Conflict of Interest Policy**
  - Codes of Ethics and Conflict of Interest Policies must be adopted by February 8, 2011.
  - Local codes and policies must contain, at a minimum, the provisions of the State Board Model Code of Ethics and Conflict of Interest Policy.

# What To Do Next

- **Adopt a Code of Ethics and Conflict of Interest Policy**
  - Because these codes and policies may impact voting rights, they must be precleared by the United States Department of Justice before they are enforceable.
  - Please refer to the Local Board Governance portlet for more information regarding preclearance.

# What To Do Next

- **Training**

- The GaDOE and State Board of Education are refining local board training requirements that will be based on the local board governance standards already adopted by the State Board.
- The State Board will adopt a training program by July 1, 2011, and local boards will have three months after the State Board's adoption to adopt a training program that contains, at a minimum, the requirements of the State Board.

# What To Do Next

- **Training**

- Until the new training program is adopted, local boards of education should continue to follow the training requirements of O.C.G.A. § 20-2-230.  
(New board members: 12 hours including 6 hours of education finance. All board members: one day of training annually.)

# What To Do Next

- **Submit documents to GaDOE:**
  - Contact information for each local board member.
  - Copies of locally adopted codes and policies.
  - Evidence of compliance with training requirements
- **All documents may be sent to:**
  - [LocalBoardGovernance@doe.k12.ga.us](mailto:LocalBoardGovernance@doe.k12.ga.us)

# Questions & Answers

**Are board members that were elected before the effective dates of SB84 “grandfathered in” and exempt from its requirements?**

SB 84 contains many provisions that apply only to board members that are elected or appointed after July 1, 2010. However, once a sitting member runs for and is again elected to the board, he or she is a board member that is elected after July 1, 2010. Thus, a board member that was elected before the effective dates of SB 84 will not be subject to those provisions until he or she is again elected to the board.

# Questions & Answers

**What are these standards I keep hearing about? I don't see anything about them in SB 84.**

SB 84 requires the State Board to develop a training program for members of local boards. Because Georgia is dedicated to standards-based education, the State Board's development of local board governance standards was the first step to developing a training curriculum and program. The State Board adopted the final version of the local board governance standards on November 10, 2010, and those standards will be incorporated into the training program that will be adopted by the board.

# Questions & Answers

**How are the State Board's Model Code of Ethics and Conflicts of Interest Policy related to local board governance standards?**

The State Board's Model Code of Ethics and Conflicts of Interest Policy are Appendices to the standards.



# Questions & Answers

- **O.C.G.A. § 20-2-73 and Rule 160-5-1-.36(7) discuss suspending local boards of education if accreditation is in danger, but does that allow individual members of the board to be removed?**
- No. They cannot be used to suspend individual members of a local board. Those provisions can only be used to suspend the entire local board if the school system is placed on the level of accreditation immediately preceding the loss of accreditation for school board governance related reasons.

# Questions & Answers

## **Do individual board members have an avenue for reinstatement if the entire board is suspended?**

If the entire board is suspended under O.C.G.A. § 20-2-73 and Rule 160-5-1-.36(7), individual members may petition the Governor for reinstatement. Additionally, the Governor still has the authority to remove public officials, including local board members, under O.C.G.A. § 45-10-4.

# Questions & Answers

**If a board on which I serve is considering a contract or the employment that *might* run afoul of SB 84, Rule 160-5-1-.36, or my local code of ethics or conflict of interest policy. What should I do?**

Consult your local board attorney. Whenever there is a danger that your actions may be unethical, it is always best to consult your local board attorney before you act. Failure to do so may result in sanctions, inability to qualify for future elections, or even removal from office.

# Questions & Answers

**What should I do if one of my fellow board members is violating a provision of SB 84, Rule 160-5-1-.36, or my local code of ethics or conflict of interest policy?**

Always try to resolve the matter with your local board in consultation with your local board attorney. Your local board has the authority to sanction its members as it deems necessary. If the issue persists after discussion by the local board and the issue is related to eligibility for office, you should contact your local election superintendent. If the local election superintendent cannot assist you, you may want to contact the Secretary of State's office.

# Questions & Answers

## **What should I do if the problem persists, after working with the local board and the local board attorney?**

If the issue persists after discussion by the local board and the issue is related to ethics or behavior, you should contact the Governor's office or, if appropriate, contact your local election superintendent.

For more information on whom to contact, please consult the information posted to the Local Board Governance portlet.

# Questions & Answers

**Why is the US Department of Justice interested in local school board code of ethics and conflict of interest policy?**

The US Department of Justice must approve policies that may impact voting rights. That is why the GaDOE asked the Georgia Attorney General's office to submit the adopted code of ethics and conflict of interest policies to the US Department of Justice for preclearance under the Voting Rights Act.

# Questions & Answers

**When will the Georgia Attorney General's Office submit local school board Model Code of Ethics and Conflict of Interest policies to the US Department of Justice? What if a local board already has both and make no changes?**

The Georgia Attorney General's (AG) office will submit the Model Code of Ethics and Conflict of Interest policies for preclearance in March 2011. If a local school board adopts Model Code of Ethics and Conflict of Interest policies without making any changes, the AG's office will also submit those for preclearance in March 2011.

# Questions & Answers

**What is the deadline for submitting the Model Code of Ethics and Conflict of Interest Policies to the Georgia Attorney General's (AG) office? What has to be sent to the AG's office?**

Please email the completed sample resolution that is available on the GaDOE Policy webpage in the Local Board Governance portlet at [www.gadoe.org/pea\\_policy.aspx](http://www.gadoe.org/pea_policy.aspx) **to the AG's office by February 28, 2011.** The local board's adopted Model Code of Ethics and Conflict of Interest Policies must be attached to the email, also.



# Questions & Answers

## What if a local school board misses this deadline?

If a local school board does not adopt local policies before the deadline or wishes to make changes to the Model Code of Ethics or Conflict of Interest policy, the local school board **must submit your local code of ethics and conflict of interest policies to the U.S. Department of Justice for preclearance before these policies can be enforced.** Your local school board attorney can assist with such preclearance. Your attorney may contact the Georgia Attorney General's Office if he or she has specific questions regarding submission of your individual code of ethics and conflicts of interest policies.

# Questions & Answers

**How do the standards adopted by the State Board of Education relate to GSBA's standards for Boards of Distinction?**

The standards adopted by the State Board serve as the basis for the training curriculum to be adopted by the State Board and utilized by local boards of education. The State Board's standards, unlike the GSBA standards, are not standards to meet for recognition or accreditation. While the two sets of standards may share many of the same principles and ideals, they are separate standards for separate purposes and meeting one set does not exempt a board from meeting the other.

# Questions & Answers

**Does Senate Bill 84 or the State Board Rule impact the appointment of a local board of education member to fill a vacancy?**

No. The procedure for a local board of education to fill a vacancy was not changed by Senate Bill 84 or any State Board Rule.

# For More Information...

**Consult the Local Board Governance portlet on the GaDOE Policy webpage for more information, [www.gadoe.org/pea\\_policy.aspx](http://www.gadoe.org/pea_policy.aspx), or contact:**

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