

**BYLAWS
OF THE STATE BOARD OF EDUCATION OF THE STATE OF GEORGIA**

January 20, 2011

Article 1: Name.

- 1-1: The name of this organization shall be the State Board of Education of the State of Georgia and shall be denoted as the SBOE in this publication.

Constitution of 1983, Article VIII, Section II, Paragraph I.
O.C.G.A. § 20-2-1 (1987).

Article 2: Purpose.

- 2-1: The SBOE shall have such powers and duties as provided by law for the provision of a quality basic public education for all citizens of the state of Georgia prior to the college or postsecondary level.

Constitution of 1983, Article VIII, Section II, Paragraph I.
O.C.G.A. § 20-2-1(b) (1987).

Article 3: Members.

- 3-1: Appointment, Term of Office, Vacancy, Eligibility. The SBOE shall be composed of one member from each congressional district in the state, appointed by the governor, by and with the advice and consent of the Senate. The governor shall not be a member of the SBOE. (O.C.G.A. § 20-2-1)

All appointments shall be for seven-year terms from the expiration of the previous term. (O.C.G.A. § 20-2-2) In the event of a vacancy on the SBOE by death, resignation or from any other cause other than the expiration of such member's term of office, the governor shall appoint a successor and shall submit his or her name to the Senate for confirmation. (O.C.G.A. § 20-2-3) This successor shall serve until confirmed by the Senate and, upon confirmation, shall serve for the unexpired term of office.

All members of the board shall hold office until their successors are appointed and qualified. (O.C.G.A. § 20-2-2) The members of the SBOE shall be citizens of this state who have resided in Georgia continuously for at least five years preceding their appointment. No person employed in a professional capacity by a private or public educational institution or by the Georgia Department of Education shall be eligible for appointment to or serve on said board. No person who is employed by or has been connected with a school book publishing concern shall be eligible for membership on the board, and if any person shall be so connected or employed after becoming a member of the board, his or her place shall immediately become vacant. (O.C.G.A. § 20-2-4) State board members, appointees, or their families shall not accept gifts, compensation, or remuneration from school book publishing concerns. Offers of such shall be reported to the grand juries of their respective counties. (O.C.G.A. § 20-2-10)

- 3-2: Duties. The SBOE shall perform all duties and exercise all responsibilities as provided by law. The members of the SBOE shall take an oath of office for the faithful performance of their duties and the oath of allegiance to the federal and state Constitutions. (O.C.G.A. § 20-2-5) Unless so authorized by official action of the full board, no member shall be authorized to make commitments for the SBOE on any matter that requires action of the SBOE. (O.C.G.A. § 20-2-8) Individual board members shall perform the following duties:
- a. meet as the SBOE at the state capital in the offices of the Georgia Department of Education or at such place in the capital as may be designated by the governor for that purpose;
 - b. attend meetings of the SBOE, enter into discussion, and vote on items presented to the board for decisions;
 - c. recognize that he or she, as an individual board member, has authority to bind the SBOE or act for the SBOE except on assignment from the SBOE;
 - d. adhere to the ethical standards adopted by the SBOE; (Appendix I)
 - e. become acquainted with the public educational issues in his or her district and the state as a whole, including conducting an annual public meeting, during the regular school-calendar year, in the congressional district which the board member represents; (O.C.G.A. § 20-2-5.1)

- f. support action of the SBOE, especially in his or her district; promote education at every opportunity, especially at civic group meetings, PTA meetings, and school meetings;
- g. refer problems brought to his or her attention to the State Superintendent of Schools for action, interpretation, or submission to the SBOE;
- h. serve on committees when requested to do so by the chair of the SBOE; (O.C.G.A. § 20-2-5.2)
- i. inform himself or herself about educational issues and programs through attendance at local, state, and national educational meetings and through personal study;
- j. suggest proposed policies to the State Superintendent of Schools for study and presentation to the board.

Constitution of 1983, Article VIII, Section II, Paragraph I.

O.C.G.A. § 20-2-1 (1987); 20-2-2 (1987); 20-2-3 (1987); 20-2-4 (1987); 20-2-5 (1987); 20-2-5.1 (1991); 20-2-7 (1987); 20-2-8 (1987); 20-2-10 (1987).

Article 4: Officers.

4-1: The SBOE shall have the following officers:

Chair (O.C.G.A. § 20-2-5.2)

Vice Chair

Vice Chair for Appeals

Parliamentarian

Executive Officer (State Superintendent of Schools)

(O.C.G.A. § 20-2-241)

4-2: Election. With the exception of the executive officer and parliamentarian, all officers shall be elected annually at the last meeting of the calendar year of the SBOE to serve for one year, beginning on January 1, immediately following their election or until successors are elected. Should the office of the vice chair or vice chair for appeals become vacant for any reason, the SBOE shall elect a replacement to serve in the office until the next regularly scheduled election. The parliamentarian shall be selected by the chair. The member selected to serve as parliamentarian shall be qualified to advise the chair and other members of the SBOE on points of parliamentary procedure. The State Superintendent of Schools shall serve as executive officer of the board as prescribed by law.
(O.C.G.A. § 20-2-241)

4-3: Powers and Duties of Officers.

Chair. The chair shall preside at all meetings of the SBOE (O.C.G.A. § 20-2-5.2). He or she shall select the parliamentarian for the SBOE, appoint board members to committees, and assign to members of the board such special responsibilities as may, from time to time, be necessary. He or she shall sign for the state board such documents as may require such signature. The chair of the SBOE shall serve as a member of boards and commissions, as specified by state law. When voting, the chair shall have the right, as any other board member, to vote or abstain.

Vice Chair. In the absence of the chair, the vice chair shall preside at meetings of the state board on a temporary or permanent basis and shall perform those duties usually performed by the chair. In the event of a vacancy of the chair, the vice chair shall assume the duties and responsibilities of the chair until such time as a new chair has been elected by the SBOE.

Vice Chair for Appeals. The vice chair for appeals may preside during consideration of appeals before the SBOE and shall ensure that the ruling on such appeals is pursuant to the respective appeal procedures specified in SBOE rules. It shall be the responsibility of the vice chair for appeals to review draft rulings proposed in connection with such appeals and to make a preliminary report to the SBOE on the points at issue in advance of the board meeting at which the appeal is to be considered. He or she may request assistance from the Georgia Attorney General in familiarizing state board members with the points at issue. The vice chair for appeals shall preside at meetings of the SBOE in the absence of the chair and the vice chair.

Parliamentarian. The parliamentarian shall advise the chair and members of the board on matters of parliamentary procedure and shall call to the attention of the chair violations of rules of procedure.

Executive Officer (O.C.G.A. § 20-2-241). The State Superintendent of Schools shall serve as the executive officer of the SBOE as prescribed by law and administrative officer of the Georgia Department of Education.

O.C.G.A. § 20-2-5 (1987); 20-2-552(a) (1991); 20-3-152 (1987).

Article 5: Meetings.

- 5-1: Regular Meetings. At the last meeting of the calendar year, the SBOE shall adopt a calendar of meetings for the upcoming year. All regular meetings will be conducted at a minimum of quarterly at the state capital in the Department of Education. A quorum of the SBOE must be physically present for a member of the board to be allowed to participate by telephone or electronic attendance. It shall be the duty of the members of the SBOE to physically attend the meetings of the Board so as to take part in its deliberations. A board member is permitted to participate by telecommunications due to an emergency and/or circumstances beyond the control of the board member and must have the approval of the chair in order to do so. An agency with state-wide jurisdiction shall be authorized to conduct meetings by telecommunications conference, provided that any such meeting is conducted in compliance with this chapter.(O.C.G.A. § 50-14-1 (f)) The executive officer and the chair shall ensure compliance with the state Open Meetings law.
- 5-2: Called Meetings. Additional meetings may be called by the chair, the vice chair and, in addition, by the State School Superintendent upon the written request of the majority or more members of the SBOE. (O.C.G.A. § 20-2-5) The State School Superintendent shall notify all board members of called meetings either in writing or by telephone. Such notice shall specify the purpose for which the special meeting is called. Business transacted at a called meeting shall be limited to that stated in the notice.
- 5-3: Committee Meetings. Committees shall meet at the direction of the chair of the SBOE or at the call of the committee chair (O.C.G.A. § 20-2-5.2). The Committee of the Whole will meet per schedule adopted. Other committees shall meet at the direction of the chair or at the call of the committee chair.
- 5-4: Quorum. A quorum for a regular session shall be a majority of the total number of members serving on the SBOE who are in attendance in person in accordance with Article 3-1. A quorum for a called meeting shall be a majority of the members serving the SBOE.
- 5-5: Executive Sessions. The SBOE shall adjourn to executive session for any purpose specified by law, including the following:
- a. conducting staff meetings for investigative purposes under duties or responsibilities imposed by law;
 - b. discussing future acquisitions of real estate;

- c. discussing or deliberating the appointment, employment, hiring, disciplinary action, or dismissal of a public officer or employee;
- d. deliberating cases appealed to the SBOE; (O.C.G.A. § 50-14-3)
- e. discussing pending or potential litigation; (O.C.G.A. § 50-14-2)
- f. discussing competitive sealed proposals and bids where state purchasing procedures require confidentiality;
- g. discussing matters related to testing.

5-6: All members of the SBOE shall receive compensation in accordance with state law. (O.C.G.A. § 20-2-9)

O.C.G.A. § 20-2-5 (1987); 20-2-5.1 (1991); 20-2-7 (1987); 20-2-8 (1987); 20-2-9 (1987); 45-7-6 (1990); 45-7-21 (1990); 50-14-1 (1990); 50-14-2 (1990); 50-14-3 (1990); 50-14-4 (1990).

Article 6: Committees.

6-1: Committees of the SBOE shall be as follows:

- Committee of the Whole
- Standing committees
- Ad hoc committees
- Committees of one
- Inspection committees

6-2: Committee of the Whole. Preliminary to action at its regular session, the SBOE, functioning as the Committee of the Whole, shall consider all matters requiring board action and shall receive items for information. However, nothing shall prevent the SBOE from acting at its regular meetings on matters that have not been discussed at the Committee of the Whole.

6-3: Standing Committees. Standing committees may be created and appointed by the chair of the SBOE for a period not to exceed one year.

6-4: Ad Hoc Committees. Ad hoc committees shall be appointed by the chair of the SBOE as needed. Ad hoc committees shall study such specific problems as may be assigned by the chair of the SBOE and shall cease to function when study has been completed and recommendations have been made for consideration and action by the full board or at the direction of the chair of the SBOE.

- 6-5: Committees of One. Upon approval of the bylaws, each member of the SBOE is authorized by the full state board to serve as a committee of one for the purpose of obtaining information for the SBOE, supporting public education, and improving public relations with the citizens of the state.
- 6-6: Inspection Committees (O.C.G.A. § 20-2-6). The SBOE is authorized to appoint committees to travel within this state and inspect the institutions and facilities under its jurisdiction and control. The committees shall be composed of members of the SBOE as determined by a majority vote of the SBOE.
- 6-7: Organization of Committees.

Committee of the Whole. The chair of the SBOE shall preside when the board is acting as the Committee of the Whole. The State Superintendent of Schools or designee shall act as secretary of the Committee of the Whole.

Standing and Ad Hoc Committees. The chairs of standing and ad hoc committees shall be designated by the chair of the SBOE when committees are appointed. The State Superintendent of Schools shall assign a Georgia Department of Education staff member to provide support to each committee. Should the chair of a committee be unable to continue to serve for any reason, the chair of the SBOE shall appoint another member to serve as chair. Should a member of a committee be unable to continue to serve for any reason, the chair of the SBOE may appoint another board member to serve on the committee.

O.C.G.A. § 20-2-6 (1987).

Article 7: Parliamentary Authority.

- 7-1: Rules. The rules contained in the most recent version of *Robert's Rules of Order* shall govern in all cases to which they are applicable and in which they are not inconsistent with the bylaws or the special rules of the board.
- 7-2: Agenda. A prepared agenda with appropriate information shall be sent to each member of the SBOE by the executive officer at least seven days in advance of any regular meeting of the board. In the event of a state holiday, act of God, or some other emergency condition, the agenda shall be sent as soon as possible.
- 7-3: Order of Business. This agenda, as approved or amended at the beginning of each meeting, shall govern the order of business for the meeting. Additions or deletions to the approved agenda shall be by majority vote of the members voting, a quorum being present (O.C.G.A. § 20-2-5.2).

7-4: Changes in the SBOE Rules. The SBOE shall follow the procedures prescribed in the Georgia Administrative Procedure Act for the adoption of rules. (O.C.G.A. § 50-13-3) To allow time for study by the members of the board, drafts of proposed new rules, changes in the SBOE rules, or requests for waiver of the SBOE rules shall be transmitted to board members prior to the board meeting. However, nothing shall prevent the SBOE from considering for appropriate action proposed rules, amendments, repeals of rules, and/or waivers of the SBOE rules not transmitted to board members.

Rules may be adopted by the SBOE at its regularly scheduled meetings, or upon a motion receiving a majority of votes, a quorum being present, the adoption may be postponed until a later, regularly scheduled meeting.

7-5: Minutes of the SBOE. The State Superintendent of Schools, as executive officer of the board, is responsible for preparing the minutes of the proceedings of the board meetings. The minutes shall not be considered official unless and until approved by the board. These official minutes shall be open to inspection by the public upon request.
(O.C.G.A. § 50-14-1)

7-6: Suspension of Rules and Bylaws. Rules governing the conduct of debate at any meeting of the SBOE and provisions of the bylaws may be suspended by a two-thirds vote of the members present.

O.C.G.A. § 50-13-4 (1990); 50-14-1 (1990); 50-14-3 (1990); 50-14-4 (1990).

Article 8: Appearance Before the State Board of Education.

- 8-1: Individuals or groups who wish to appear before the SBOE shall make their request in writing to the chair of the state board at least seven days in advance of the next regularly scheduled meeting. If the matter is applicable for board consideration, the chair, at his or her discretion, may approve the request, specify a period of time for presentation, and limit citizens' presentations. The chair may also assign the presentation to a specific board committee in lieu of presentation to the entire board or request that the petitioner submit written comments to the board or a specific committee.

O.C.G.A. § 20-2-240 (1987).

Article 9: Method of Amending the Bylaws.

- 9-1: These bylaws may be amended at any regular meeting of the SBOE by a two-thirds vote of the members, a quorum being present, provided the amendment was submitted in writing at the previous regular meeting of the board.
- 9-2: Amendments shall go into effect immediately upon adoption, unless the motion to adopt specifies a time for the amendment to go into effect or unless the board has previously adopted a motion to that effect.

O.C.G.A. § 20-2-240 (1987).

APPENDIX I

GEORGIA STATE BOARD OF EDUCATION CODE OF ETHICS

The Georgia State Board of Education (SBOE) enjoys the unique ability to serve dual roles both as the state-wide authority regarding the provision of a quality basic public education for all citizens of the state of Georgia prior to the college or postsecondary level and as an authority similar to a local board of education regarding three state-operated schools, the Georgia School for the Deaf, the Georgia Academy for the Blind, and the Atlanta Area School for the Deaf. While both roles carry equal importance, the specific actions demanded by each are sometimes different. Accordingly, it is in its role as the state-wide authority regarding the provision of a quality basic public education for all citizens of the state of Georgia prior to the college or postsecondary level that the SBOE adopts this Code of Ethics.

The SBOE desires to operate in the most ethical and conscientious manner possible and to that end the SBOE adopts this Code of Ethics and each member of the SBOE agrees that he or she will:

Domain I: Governance Structure

1. Recognize that the authority of the SBOE rests only with the SBOE as a whole and not with individual SBOE members and act accordingly.
2. Support the delegation of authority for the day-to-day administration of public school laws in the State of Georgia to the State Superintendent and act accordingly.
3. Honor the chain of command and refer problems or complaints consistent with the chain of command.
4. Recognize that the State Superintendent should serve as secretary and executive officer of the SBOE and that the State Superintendent or his or her designee should be present at all meetings of the SBOE.
5. Not undermine the authority of the State Superintendent or intrude into responsibilities that properly belong to the State Superintendent.
6. Use reasonable efforts to keep the State Superintendent informed of concerns or specific recommendations that any member of the SBOE may bring to the SBOE.

Domain II: Strategic Planning

1. Reflect through actions that his or her first and foremost concern is for the educational welfare of children attending schools within the State of Georgia.
2. Participate in all planning activities to develop the vision and goals of the SBOE, State Superintendent, and the Georgia Department of Education.
3. Work with the SBOE and the State Superintendent to ensure prudent and accountable uses of the resources of the State of Georgia.
4. Render all decisions based on available facts and his or her independent judgment and refuse to surrender his or her judgment to individuals or special interest groups.
5. Uphold and enforce all applicable laws, all rules and regulations, and all applicable court orders.

Domain III: Board and Community Relations

1. Seek regular and systemic communications among the SBOE, State Superintendent, students, and the community.
2. Communicate to the SBOE and the State Superintendent expressions of public reaction to SBOE policies and programs.

Domain IV: Policy Development

1. Work with other SBOE members to establish effective policies for the school system.
2. Make decisions on policy matters only after full discussion at publicly held SBOE meetings.
3. Periodically review and evaluate the effectiveness of policies on school programs and performance.

Domain V: Board Meetings

1. Attend and participate in regularly scheduled and called SBOE meetings.
2. Be informed and prepared to discuss issues to be considered on SBOE agenda.
3. Work with other SBOE members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at SBOE meetings.
4. Vote for a closed executive session of the SBOE only when applicable law or SBOE policy requires consideration of a matter in executive session.
5. Maintain the confidentiality of all discussions and other matters pertaining to the SBOE and the Georgia Department of Education, during executive session of the SBOE.
6. Make decisions in accordance with the interests of the education of the State of Georgia as a whole and not any particular segment thereof.
7. Express opinions before votes are cast, but after the SBOE vote, abide by and support all majority decisions of the SBOE.

Domain VI: Personnel

1. Consider the employment of personnel only after receiving and considering the recommendation of the State Superintendent.
2. Support the employment of persons best qualified to serve as employees of the Georgia Department of Education and insist on regular and impartial evaluations of Department staff.
3. Comply with all applicable law, rules and regulations and all SBOE policy regarding employment of family members.

Domain VII: Financial Governance

1. Refrain from using the position of SBOE member for personal or partisan gain or to benefit any person or entity over the interest the State of Georgia.

Conduct as Board Member

1. Devote sufficient time, thought and study to the performance of the duties and responsibilities of a member of the SBOE.
2. Become informed about current educational issues by individual study and through participation in programs providing needed education and training.
3. Communicate in a respectful professional manner with and about fellow SBOE members.
4. Take no private action that will compromise the SBOE or school system administration.
5. Participate in all required training programs developed for SBOE members.
6. File annually with the State Superintendent a written statement certifying that he or she is in compliance with this Code of Ethics.

Conflicts of Interest

1. Announce potential conflicts of interest before SBOE action is taken.
2. Comply with the conflicts of interest policy of the SBOE and all applicable laws.

GEORGIA STATE BOARD OF EDUCATION CONFLICT OF INTEREST POLICY

Foreword

The Georgia State Board of Education (SBOE) enjoys the unique ability to serve dual roles both as the state-wide authority regarding the provision of a quality basic public education for all citizens of the state of Georgia prior to the college or postsecondary level and as an authority similar to a local board of education regarding three state-operated schools, the Georgia School for the Deaf, the Georgia Academy for the Blind, and the Atlanta Area School for the Deaf. While both roles carry equal importance, the specific actions demanded by each are sometimes different. Accordingly, it is in its role as the governing body of the three state-operated schools that the SBOE adopts this Conflict of Interest Policy.

The SBOE shall adhere to these Conflict of Interest provisions as set forth below.

Domain VII: Financial Governance

1. No SBOE member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, employment for himself or herself, any of his or her immediate family members, or others.¹
2. No SBOE member shall act in his or her official capacity in any matter in which he or she, any of his or her immediate family members, or any business organization in which he or she has a material financial interest, that would reasonably be expected to impair his or her objectivity or independence of judgment. Compliance with Code Section 20-2-505 shall not constitute a violation of this paragraph.¹
3. No SBOE member shall solicit or accept or knowingly allow any of his or her immediate family members or any business organization in which he or she has an interest to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that SBOE member in the discharge of his or her official duties. This paragraph shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the SBOE member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the SBOE member in the discharge of his or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value shall not include the items contained in subparagraphs (a)(2)(A) through (a)(2)(J) of Code Section 16-10-2.1
4. No SBOE member shall use, or knowingly allow to be used, his or her official position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official position for the purpose of securing financial gain for himself or herself, any of his or her immediate family members, or any business organization with which he or she is associated.¹

5. No SBOE member or any of his or her immediate family members or any business organization in which he or she has an interest shall represent any person or party other than the SBOE, Georgia Department of Education, or state-operated schools in connection with any cause, proceeding, application, or other matter pending before the SBOE or in any proceeding involving the SBOE.¹
6. No SBOE member shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the SBOE member or any of his or her immediate family members in return therefor.¹
7. No SBOE member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the SBOE, no material or monetary gain accrues to him or her as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.¹
8. No SBOE member may also be an officer of any organization that sells goods or services to the state-operated schools, except as provided in Code Section 20-2-505 and excluding nonprofit membership organizations.¹
9. No SBOE member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the SBOE, no material or monetary gain accrues to him or her as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.¹
10. No SBOE member shall sell to any county board any supplies or equipment used, consumed, or necessary in the operation of any public school in this state unless there are fewer than three sources for such supplies or equipment within the county; provided, however, that any purchase pursuant to this subsection for supplies or equipment that is equal to or greater than \$10,000.00 shall be approved by a majority of the members of the board in an open public meeting.
11. The SBOE may not do business with a bank or financial institution where a SBOE member is an employee, stockholder, director or officer when such SBOE member owns 30% or more stock in that institution.²
12. No SBOE member may have a financial interest in school buses, bus equipment or supplies, provide services for buses owned by the state-operated schools, or sell gasoline to the SBOE or state-operated schools from a corporation in which the SBOE member is a shareholder.³
13. No SBOE member shall accept a monetary fee or honorarium in excess of \$101.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.⁴

Conduct As Board Member

1. No SBOE member shall disclose to or discuss with any information which is subject to attorney-client privilege belonging to the SBOE to any person other than other SBOE members, the Attorney General or his or her designee, the State Superintendent, or persons designated by the State Superintendent for such purposes unless such privilege has been waived by a majority vote of the whole SBOE.⁵
2. No SBOE member shall vote on the employment or promotion of any of his or her immediate family members. No immediate family member of a SBOE member may be employed or promoted unless a public, recorded vote is taken separately from all other personnel matters.⁶
3. No SBOE member may be employed in any position in state-operated schools.⁷
4. No SBOE member shall hold another public office unless permitted by law.
5. No SBOE member shall be employed by the Georgia Department of Education or serve concurrently as a member of a local board of education.⁸
6. No SBOE member shall serve on the governing body of a private elementary or secondary educational institution.⁹

References

1. See 20-2-63(a)(1-6, 7-8)
2. See 20-2-505.1
3. See 20-2-1072
4. 21-5-11
5. See 45-15-3
6. See 20-2-58.1
7. See 20-2-4
8. 20-2-4
9. 20-2-4