

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

Adopted December , 2022

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 (~~either in person or~~ by teleconference) as the SBOE at the designated meeting location or teleconference link~~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 no 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 (~~2012~~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. Regular meetings of the SBOE shall be held in accordance with the schedule of meetings adopted by the SBOE. The SBOE shall adopt its schedule of meetings for the upcoming year at the last meeting of the calendar year.

~~At the last meeting of the calendar year, the SBOE shall adopt a calendar of meetings for the upcoming year. Regular meetings shall be held at least once every quarter. (O.C.G.A. § 20-2-5)~~

Regular meetings shall be held at the Georgia Department of Education. However, annually, up to two regular meetings may be held at any other location convenient for SBOE members to attend provided that the requirements of the Open Meetings Act are satisfied.

~~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. The SBOE is An agency with state wide jurisdiction shall be authorized to conduct its regular meetings by teleconferencecommunications conference, so long as provided that any such meeting is conducted in compliance with the Open Meetings Actis chapter. (O.C.G.A. § 50-14-1(f))~~

The executive officer and the chair shall ensure compliance with the state Open Meetings Actlaw.

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.

The SBOE is authorized to conduct called meetings by teleconference provided that any such

meeting is conducted in compliance with the Open Meetings Act. (O.C.G.A. § 50-14-1(f))

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-according to schedule adopted. Other committees shall meet at the direction of the chair or at the call of the committee chair.

Committees of the SBOE are authorized to conduct meetings by teleconference provided that any such meeting is conducted in compliance with the Open Meetings Act. (O.C.G.A. § 50-14-1(f))

5-4: Quorum. A quorum for a regular meeting-session shall be a majority of the total number of members serving on the SBOE who are in attendance either in person or by teleconference-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 with legal counsel; (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 (2012~~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~~2021~~); 50-14-2 (1990~~2012~~); 50-14-3 (1990~~2021~~); 50-14-4 (1990~~2012~~).

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).