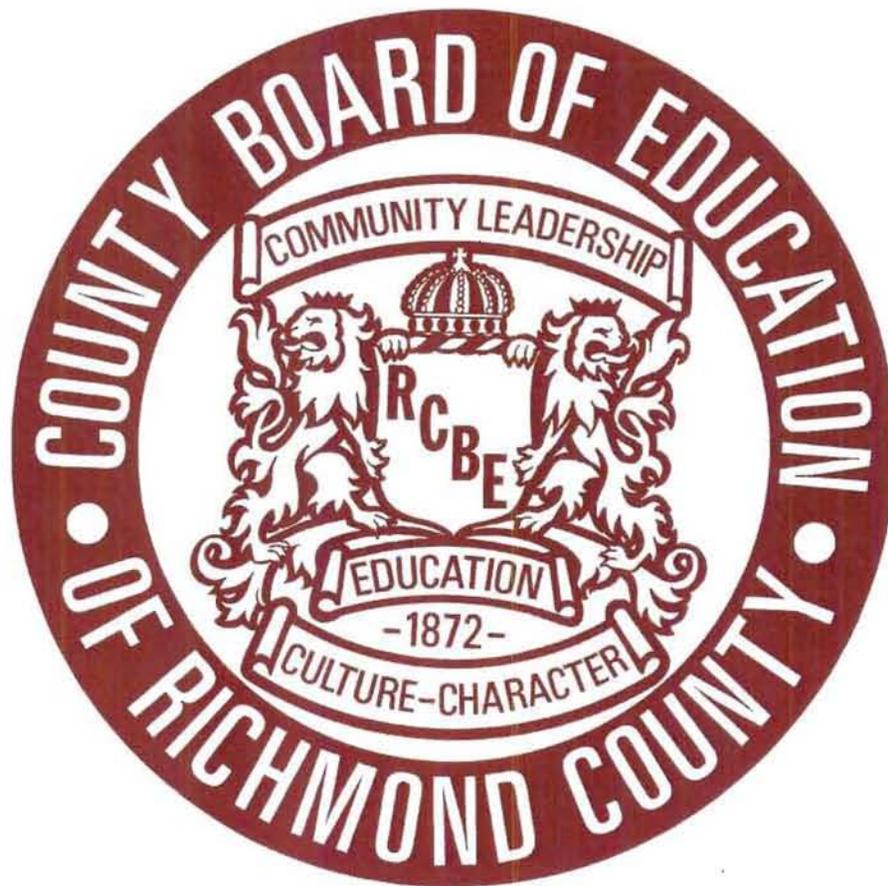


# Richmond County Board of Education



## Charter

## **AN ACT**

To provide for the continued existence of the public school system of the County of Richmond in accordance with Section X of Article VIII of the Constitution of the State of Georgia and for its management and control as provided in an Act entitled “An Act to regulate public instruction in the County of Richmond”, approved August 23, 1872 (Georgia Laws 1872, pages 456-463) as amended by an Act entitled “Richmond County Education System”, approved February 25, 1949, (Georgia Laws 1949, pages 1435-1460), and as further amended by this Act; to repeal all Acts hitherto passed amendatory of or supplemental to said Act approved August 23, 1872; and as amended by an Act approved February 25, 1949; to amend said Acts approved August 23, 1872 and February 25, 1949; so as to provide for the management and control of such public school system as a single district; for the election, terms of office, organization, powers, compensation and duties of the board of Education; for the method making appropriations and the levying and collection of taxes for the support of such public school system, for the appointment, powers and duties of a superintendent of schools; for the operation of the schools according to an annual budget; for the tenure and compensation of teacher; for the creating of debts; and, for the other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA,  
AND IT IS HEREBY BY THE AUTHORITY OF THE SAME:

## SECTION A

The public school system of the County of Richmond established by an Act entitled “An Act to regulate public instruction in the County of Richmond”, approved August 23, 1872, shall, in accordance with Section X of Article VIII of the Constitution of the State of Georgia, continue in existence unaffected by the provisions of the said Constitution and shall be managed and controlled as provided in said Act of August 23, 1872, as amended by said Act approved February 29, 1949, and as amended by this Act. The Board of Education provided for in this Act shall be a continuation of the Board of Education in existence in Richmond County at the time of the passage of this Act, and there shall be no interruption of the corporate existence of such board because of a change in the method of the election of the members. *N.B., This amended Act was approved as a total restatement on March 21, 1974.)*

## **SECTION B**

### Section 1. RICHMOND COUNTY, A SINGLE SCHOOL DISTRICT, COMPOSITION AND METHOD OF ELECTION OF BOARD OF EDUCATION.

(a) The County of Richmond shall be a single school district and shall be confined to the management and control of an elected Board of Education.

(b) The members of the Board of Education shall be bona fide residents of the districts or combinations thereof, for which they are a candidate for a period of at least one year and shall also be a bona fide resident of Richmond County for a period of not less than two years preceding their election. They shall be eligible to vote in the election for which they are a candidate and shall be elected by the qualified voters in the County of Richmond voting by district or combinations thereof, as hereafter set out. The election for members of the Board of Education shall be held on the first Tuesday after the first Monday in November in each even-numbered year once biennial elections have been phased in as herein provided. At least fifty (50) days prior to the date of said election, every person hereinafter intending to become a candidate for membership on the Board of Education shall file, in the Office of the Board of Elections of Richmond County with an employee of said office, a declaration of said intentions, stating in addition the district or combination thereof he is a candidate to represent.

(c) Each candidate for the Board of Education shall pay a \$100.00 qualifying fee with the Board of Elections upon the date that he files his notice of candidacy. A written acknowledgment of the receipt of such declaration from the Board of Elections shall always be evidence of its filing. In the event not more than one such notice or declaration of intention is filed

in respect to any position, the person filing shall automatically become the board member from such district or combinations thereof for the next ensuing term as fixed by law; and no election shall be held for such post or district. In the event no notices or declarations are filed by a candidate to become a member of the Board from any district or combinations thereof; the Board of Education shall fill such vacancy by a majority vote of members present at a special meeting of the Board called for that purpose. When more than one candidate to become a member of the Board of Education files from a particular district or combinations thereof an election shall be held. The Board of Elections of Richmond County shall certify the unopposed candidates and, based upon this certification, the Secretary of State is authorized to issue commissions to such unopposed candidates.

(d) Except as otherwise provided in this section, each member of the Board of Education shall serve a term of four years and until the election and qualification of his successor. Each term shall begin the first day of January immediately following the election of the member. {House Bill No. 511, 1981, (a) - (d)}

(e) (1) On and after January 1, 1987, the board of education of Richmond County shall consist of nine members. The members shall be qualified voters of Richmond County and shall have been residents of Richmond County for a period of not less than two years preceding the election for which those persons are candidates. Each of the members shall have been a resident of the school board district that member represents for at least one year at the time of election and shall be elected by the voters voting in that district. The office of any member elected from a school board district shall be vacated upon that member's removal from the district he represents. {House Bill No. 554, 1984}. *N.B., This subsection incorrectly states that "the board of education of Richmond County shall consist of nine members." This section*

*was amended by effect and through extrapolation by Senate Bill No. 848, 1992, Section 1, which explicitly amended subsection (e) (2) of this section, allowing for “ten school board districts”; and subsequently, this subsection was further amended by effect and through extrapolation by House Bill No. 1688, 2002, Section 1, which reiterates the allowance for “ten school board districts,” and which further states that “[o]ne member of the board shall be elected from each such district.” (emphasis supplied).*

(e) (2) For purposes of electing members of the board of education, the Richmond County School District is divided into ten school board districts. One member of the board shall be elected from each such district. School Board Districts 1, 2, 3, 4, 5, 6, 7, and 8 shall be and correspond to those eight numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: richrev3 Plan Type: Local User: Gina Administrator: Richmond Co. School Board District 9 shall be composed of a combination of School Board Districts 1, 2, 4, and 5 as each is described in such plan. School Board District 10 shall be composed of a combination of School Board Districts 3, 6, 7, and 8 as each is described in such plan. {House Bill No. 1688, 2002, Section 1} ***N.B., “Name” and “Plan Type: Local User” is identification provided by State Reapportionment Office.***

(f) When used in such attachment, the terms ‘Tract’ and ‘BG’ (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a ‘BG’ heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the Richmond County

School District which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the Richmond County School District which is prescribed in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any school board district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia. {House Bill No. 1688, 2002, Section 2}

(g) Those members of the board who were serving as such on January 1, 2002, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. School Board Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, as they existed on January 1, 2002, shall continue to be designated as School Board Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, respectively, but as newly described under this Act, and on and after May 1, 2002, such members of the board serving from those former school board districts shall be deemed to be serving from and representing their respective districts as newly described under this Act. {House Bill No. 1688, 2002, Section 3}

(h) Those members of the board who, under subsection (g) of this section, are deemed to be serving out their terms in School Board Districts 2, 3, 6, 7, and 9 shall serve until December

31, 2002, and their respective successors shall be elected from School Board districts 2, 3, 6, 7, and 9 in the November, 2002, general election. The members elected from School Board Districts 2, 3, 6, 7, and 9 in such election shall serve, beginning January 1, 2003, for terms of four years each and until their respective successors are elected and qualified. Those members of the board who, under subsection (g) of this section, are deemed to be serving out their terms in School Board Districts 1, 4, 5, 8, and 10 shall serve until December 31, 2004, and until their respective successors are elected and qualified. {House Bill No. 1688, 2002, Section 3}

(i) At the November, 2004, general election, successors to those members of the board from School Board Districts 1, 4, 5, 8, and 10, all of whose terms expire December 31, 2004, shall be elected to serve, beginning January 1, 2005, for terms of four years each and until their respective successors are elected and qualified. {House Bill No. 1688, 2002, Section 3}

(j) Successors to members of the board whose terms of office expire on or after December 31, 2000, shall be elected at a nonpartisan election, without a prior nonpartisan primary, conducted at the November general election to be held on the Tuesday following the first Monday in November immediately preceding the expiration of their respective terms of office, shall take office on the first day of January immediately following the date of their election, and shall have terms of office of four years each and until the election and qualification of their respective successors. {House Bill No. 1688, 2002, Section 3}

(k) Vacancies occurring on and after the date this subsection becomes effective in 2002, except those arising from expiration of terms, shall be filled as provided in this subsection. If the vacancy occurs at least 50 days prior to the date upon which the next special election may be conducted after the occurrence of that vacancy, as provided under Code Section 21-2-540 of

the O.C.G.A., a special election to fill that vacancy shall be conducted on that date and shall be called by the election superintendent of Augusta-Richmond County at least 40 days preceding that date. If the vacancy occurs less than 50 days prior to the date upon which the next special election may be conducted after the occurrence of that vacancy, as provided under Code Section 21-2-540 of the O.C.G.A., a special election may be conducted and shall be called by the election superintendent of Augusta-Richmond County at least 40 days preceding the date of such election. A person elected to fill a vacancy shall serve out the remainder of the unexpired term caused by that vacancy and until a successor is elected and qualified. Any candidates desiring to qualify in the special election provided for in this subsection to fill a vacancy shall have the residency requirements provided for in this section, and the candidates shall qualify and run for election as provided for in this section. {House Bill No. 1688, 2002, Section 3}

(l) Any vacancy to be filled on and after this subsection becomes effective in 2002 shall be filled from the reapportioned district. {House Bill No. 1688, 2002, Section 3}

(m) At least 50 days prior to the date of any election for members of the board under this Act, every person intending to become a candidate for membership on the board of education shall file a declaration of intention and identify the particular district he is a candidate to represent with the board of elections of Richmond County. Each candidate for the board of education shall pay a \$100.00 qualifying fee with the board of elections upon the date that he files his notice of candidacy. A written acknowledgment of the receipt of such declaration from the board of elections shall always be evidence of its filing. In the event not more than one such notice or declaration of intention is filed in respect to any position, the person filing shall automatically become the board member from that particular district for the next ensuing term as fixed by law; and no election shall

be held for such district or office. In the event no notices or declarations are filed by a candidate to become the member of the board from a particular district, the board of education shall fill such vacancy by a majority vote of members present at a special meeting of the board called for that purpose. When more than one candidate to become a member of the board of education files from a particular district, an election shall be held. The board of elections of Richmond County shall certify the unopposed candidates and, based upon this certification, the Secretary of State is authorized to issue commissions to such unopposed candidates. {Senate Bill No. 554, 1984 }

Section 1.1. (a) It shall be the policy of the Board of Education of Richmond County that all citizens shall have equal opportunity for employment, promotion, and appointment by the board of education. It shall further be the express policy of the board of education that all persons shall have equal opportunity for conducting business with the board of education to the greatest extent possible.

(b) In furtherance of the policies stated in subsection (a) of this section, the board of education shall employ or assign a person to serve as equal employment opportunity director. This position shall have such staff and duties as the board of education may from time to time determine, and the duties of such person shall include the following:

(1) To advise the board of education and its officers on ways and means to promote and increase business relations between the board of education and minority owned firms and businesses; and

(2) To advise the board of education on ways and means to promote minority business opportunities within the jurisdiction of the board of education and to implement such programs as the board of education may adopt to promote minority business opportunities. {Senate

Bill No. 848, 1992}

## SECTION C

Section 2. CORPORATE POWERS OF BOARD. And be it further enacted, that the said Board of Education shall be a body politic and corporate in law, and as such may contract and be contracted with, sue and be sued, plead and be impleaded in any court of the State having competent jurisdiction, and receive any gift, grant, donation or devise made for the use of schools within their jurisdiction, and moreover, they shall be, and they are hereby, invested in their corporate capacity with the title, care and custody of all school house sites, now, heretofore, or hereafter belonging to the County Board of Education of Richmond County, school libraries, apparatus or other property belonging to the educational department of the county as now organized or hereafter to be organized, with all power to control, lease, sell or convey the same, in such manner as they may think will best subserve the interest of schools and cause of education.

## SECTION D

Section 3. BOARD OF EDUCATION ORGANIZATION AND PROCEDURE. The board of education shall hold an organizational meeting on the Saturday preceding the second Thursday in January, 1993, and every two years thereafter, at 10:00 a.m., in the office of the board of education. The board shall then proceed to organize by electing one of its members president and one vice president for the term of two years from the Saturday preceding the second Thursday in January, 1993, and until their successors are duly elected and qualified. The president and vice president may be elected to succeed themselves in office. The superintendent of schools shall be secretary of the board. All conveyances and contracts shall be executed on behalf of the board by the president or vice president and the secretary.

The board of education shall hold regular meetings, not less frequently than once each month, the day and hour of which shall be fixed for the ensuing two years at its organizational meeting, and such regular meetings shall be held on the dates and hours as provided in the minutes of the meeting of the board held on the second Saturday of January, 1993, until its next organizational meeting; provided, however, that the board may adjust or change the date or time set for a particular regular meeting upon giving proper notice to the public and news media as required by this Act and applicable open meeting laws. Special meetings may be called by the president, by the vice president in the event of the president's absence from the county or due to the incapacity of the president, by the superintendent of schools, or by a majority of the members; provided a written notice of the time and place of such meeting and of the subject or subjects to be considered thereat shall be dispatched by mail to each member of the board at least three days prior to the date of such meeting. At such special meeting, only the subject or subjects referred to in such notice shall be acted upon. A

majority of the members shall constitute a quorum for the transaction of business. The minutes of each meeting shall be recorded by the secretary in a book provided for that purpose which shall be a public record and open to inspection in his or her office during regular business hours. In the absence of the secretary, the next highest ranked administrator employed by the board of education shall be designated to act in his or her behalf as secretary for the board until his or her return.

In accordance with the laws governing the Richmond County education system prior to the passage and approval of this Act, the present president and vice president shall continue to hold office until the next organizational meeting and until their successors are qualified and elected.

{House Bill No. 780, 1999, Section 1 }

## **SECTION E**

Section 4.      **EXTENT OF PUBLIC SCHOOL SYSTEM.** The Board of Education, subject to the provisions of this Act, shall manage and control a public school system for Richmond County which shall include elementary grades and high school. The Board may in its discretion include in the system, kindergarten, junior high school, junior college, and vocational-technical schools, and may increase the grades of a total of sixteen.

## **SECTION F**

Section 5. POWERS OF THE BOARD. Subject to the provision of this Act, the Board of Education shall have power:

(a) To purchase, lease, or otherwise acquire, construct, repair, maintain and operate school properties, schoolhouses, and school grounds and to equip the same, including the provisions of school libraries, laboratories, playground equipment and all other facilities appropriate for school buildings and grounds.

(b) To exercise in acquiring land for school purposes the right of eminent domain in the manner provided by law for its exercise by municipal corporations.

(c) To appoint and remove a superintendent of schools, and such principals, teachers, supervisors, attendance officers, janitors and other employees as in its discretion are necessary, provided that in making appointments and removals of teachers, supervisors and principals, the Board shall be governed by the provisions of Section 11 of this Act.

(d) To determine the length of the school year, to fix the opening and closing dates thereof and the holidays and vacations therein, provided that such year shall consist of not less than the minimum required by the State of Georgia.

(e) To establish and conduct classes in agriculture, textiles and all other mechanical and industrial arts, home economics, vocational guidance and commercial subjects, fine arts, evening schools, summer schools, and classes for adult education, and other specialized courses including but not limited to special education and classes for exceptional children.

(f) To fix the compensation and prescribe the powers and duties of all employees, including the establishment of a pay plan and a system of increments for the said employees.

(g) To establish upon the recommendations of the superintendent of schools the course of study for each class and grade in the school system.

(h) To fix the amount of tuition to be paid by non-resident pupils in the public schools of Richmond County.

(i) To establish the qualifications of teachers and other employees of the Board, provided that the Board shall be governed by the provisions of Section 11 of this Act.

(j) To adopt, as hereinafter provided, an annual budget for the support of the public school system of Richmond County and annually to levy a tax for school purposes.

(k) To borrow money for the purpose of acquiring land and constructing, repairing and equipping buildings and grounds for school purposes; provided, that any proposal to issue bonds shall be submitted to the electors of the county at a general election or a special election called by the Board of Education for the purpose and held and conducted as are elections for county officers, the cost of which if a special election shall be paid by the Board of Education, and that no bonds shall be issued unless such proposal is approved by a majority of those voting thereon at such election.

(l) To make rules and regulations necessary for the conduct of its business and the government of its employees and the pupils of the schools.

(m) To permit, under such regulations as it may prescribe, the use of school buildings or grounds or any portion thereof when not in actual use for school purposes, for civic, political, educational, or community meetings or entertainments held under the direction of responsible citizens, and to charge reasonable fees to cover the cost of heating, lighting, and cleaning, incident to such meetings.

(n) To operate or provide for the operation, but in no case for profit, of lunchrooms or

cafeterias, and to regulate the kind, quality and price of food to be served therein.

(o) To provide, when in its opinion the same may be expedient, for the transportation of pupils.

(p) To investigate the conduct of the superintendent of schools or of any principal, teacher, or other employee of the board or any situation affecting the successful operation of the school system and in the conduct of such investigation and in the hearings provided in Sections 6 and 11 of this Act, the president and vice president of the board shall have the power to administer oaths and to compel the attendance of witnesses and the production of books and papers by subpoena, and any person willfully failing to obey such subpoena shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than 30 days, or both. {House Bill No. 780, 1999, Section 2}

## SECTION G

### Section 6. SUPERINTENDENT OF SCHOOLS.

(a) The superintendent of schools shall be appointed by the board of education for no more than a three-year term, which shall expire on June 30 of the last year of the employment contract. The term of that superintendent of schools in office on January 1, 1999, shall expire June 30, 2002. Nothing herein shall prohibit the board from granting a shorter term than three years or from granting one year contract extensions to the superintendent, so long as such extensions do not extend beyond the maximum three-year contract period. {House Bill No. 780, 1999, Section 3 }

(a.1) The superintendent of schools may be removed by the board of education during the term of office, provided that the superintendent shall first be served with a clear statement in writing of the cause of that removal and be given an opportunity to be heard thereon at a public meeting of said board to be held not less than ten nor more than 20 days after the service of such statement. The superintendent shall be entitled to be represented by counsel at such hearing, and, upon the superintendent's request, witnesses whose testimony is pertinent to the charges against the superintendent shall be subpoenaed by the president or vice president of the board. After such hearing, the board's decision, upon a vote of two-thirds of the members of the board to remove the superintendent, shall be final except that in the event of physical or mental incapacity of the superintendent of schools, then a majority shall be authorized to act. If the two-thirds requirement results in a fractional vote, the required vote shall be rounded to the next highest number. If the superintendent requests, the hearing and all deliberations shall be held in private. {House Bill No. 780, 1999, Section 3 }

(b) The superintendent of schools shall hold a five-year Professional Administrator's

Certificate and a graduate degree from an institution approved by a regional accrediting agency. In addition, he or she must hold a six-year Professional Administrator's Certificate. He or she shall have had at least five years experience in the field of educational administration. He or she need not, at the time of his or her appointment, be a resident of Richmond County or the State of Georgia, but during his or her service as superintendent, he or she shall reside in Richmond County. The Office Commissioner of Education is hereby abolished. {House Bill No. 780, 1999, Section 3}

(c) The superintendent of schools shall be the executive officer of the Board of Education and shall act as its secretary. He shall supervise the preparation of the annual budget and submit the same to the Board; attend all its meetings with the right to speak therein, but not to vote; conduct such examinations for candidates for teaching positions as may be provided by the rules of the Board of Education; certify those successfully passing such examinations; he shall nominate all principals, supervisors, teachers, and other employees, for appointment by the Board, provided that he shall not recommend for appointment any teacher as defined in Section 13 of this Act, who has not first been duly certified by him as possessing the qualifications established by the Board; assign pupils to their proper schools and grades; and, subject to his responsibility to the Board supervise, direct and control the operation of schools, departments, offices and employees of the Board.

(d) He shall have power to require such reports from each principal, supervisor and teacher as he may deem necessary or which may be required by law. He shall furnish to the State School Superintendent all reports and information which may be required and shall report from time to time to the Board of Education on all matters pertinent to the administration of the public schools. Within two months of the close of each fiscal year, he shall prepare for submission to the Board a brief and comprehensive report of the activities and finances of the public school system of

Richmond County which shall be given to the press and be available to the public at the Board of Education office.

(e) Whenever a vacancy shall occur in the Office of the Superintendent of Schools by death, resignation or otherwise, the next highest ranking administrator shall exercise all the rights, powers and responsibilities of said office of Superintendent and perform all functions of said office until such vacancy has been filled by the Board of Education. {House Bill No. 1955, 1976}

(f) The Superintendent shall have the sole responsibility of executing on behalf of the School Board, each contract of employment required to be signed by any employee. The signature of the Superintendent on such contracts of employment may be by facsimile signature of the Superintendent under such reasonable rules and regulations as the Board of Education may from time to time deem necessary for the use of such facsimile signature. {House Bill No. 495, 1981}

## SECTION H

### Section 7. FINANCIAL ADMINISTRATION

(a) Fiscal Year. The fiscal year of the Richmond County Board of Education shall begin on the first day of July and end on the last day of June.

(b) Budget. As soon as practicable, subsequent to the county board of education receiving notification of its annual state appropriations entitlements, the superintendent of schools shall submit to the county board of education a tentative budget for the fiscal year ending on the succeeding 30th day of June. This budget shall contain estimates of expenditures as follows:

(1) The sums necessary to pay the interest on the bonded debt and current indebtedness of the board of education and the principal of all bonds maturing during the year and any other necessary expenses relating thereto;

(2) A sum equal to any deficit incurred in the preceding fiscal year by the failure of the actual cash receipts to equal the expenditures for such year, including current obligations payable but not paid;

(3) The amount of any other contractual obligations;

(4) The cost of operating the Richmond County School System; and

(5) Expenditures for any other purpose for which said board of education may legally appropriate money.

The budget of revenues and expenditures shall be adopted at the legal standard of budgeting control at the fund type level.

The budget shall also contain estimates of revenues as follows:

(1) Revenues from executions on real and personal property estimated at no

greater proportion of the total of such executions not more than seven years old outstanding at the beginning on the current fiscal year from the proportion of the actual cash revenues from executions in the preceding year to the total of executions not more than seven years old outstanding at the beginning of that fiscal year;

(2) Revenues from all other sources except current taxes on property locally assessed, and except special grants and other nonrecurring revenues, but including taxes based on assessments made through the office of the state revenue commissioner, State of Georgia appropriations whether through legislative Act or executive order, and federal funds, which have been allocated for the current fiscal year;

(3) The whole or any part of the unencumbered fund balance, excluding all trust and special fund balances, at the end of the preceding year; and

(4) The sum to be raised by current taxes on property, other than property assessed through the office of the state revenue commissioner, necessary to balance the budget, in accordance with appropriate laws. The estimate of expenditures for operating the school system of Richmond County shall be by fund type level. With the budget, the superintendent of schools shall submit such supplementary information as to fund type level, activities, and objects, comparative data, or prior revenues and expenditures as the board may, from time to time, require or request. This information shall be given to the press and made available at the office of the board of education for public inspection. There shall be sufficient copies of the budget itself to supply the members of the board and copies shall be kept on file for public inspection during the regular business hours in the office of the superintendent of schools.

Prior to the thirtieth day of June, the board shall adopt the budget, but, before doing

so, the board of education shall correct any mistake in computing the estimates of the superintendent of schools but shall not reduce the sums required for debt service or to meet a deficit of the preceding year below the amounts actually necessary for such purpose or increase the estimate of revenues from any source, except that it shall be the duty of the said board of education to adjust the sum to be raised by current taxes on property locally assessed, to any increase or decrease in the total expenditures authorized, assuming the rate of collection above provided, and in no event shall the total of expenditures authorized exceed the total of revenues estimated plus budgeted fund balance. The board in its discretion may allocate so much of the unallocated, unappropriated, and unencumbered fund balance to balance the budget as it deems appropriate.

(c) Levy and collection of taxes. Upon the adoption of the budget, the board shall proceed to determine, in accordance therewith, the levy in mills on the dollar of the assessed value of all taxable property in the county as shown by the county digest for the year in which the levy is made and certify the same forthwith to the Board of Commissioners of Richmond County. It shall be their duty to make out an assessment and return of such tax against all the legal taxpayers of the county and furnish a copy of said assessment and return to the officer responsible for the collection of taxes in Richmond County, whose duty it shall be to collect said tax and deposit it to the credit of the Board of Education of Richmond County in the bank or banks designated as hereinafter provided.

The Board of Education of Richmond County is authorized to include in its budget any commitments of payment of funds from the State Department of Education to the Board of Education of Richmond County and from the United States government to the Board of Education of Richmond County.

(d) Additional appropriations. No supplemental or additional appropriations shall be

made unless it is first certified by the secretary of the board of education that there is an unappropriated and unencumbered reserve or an additional source of revenue has been determined from which such appropriation can be made.

(e) Local policy and procedure. Nothing in this section shall prohibit the board from passing and enforcing any policies or procedures that would require supplementary information and prior approval of transfers within budgets, notwithstanding the fact that the local policies and procedures may be more restrictive than the legal standard. {House Bill No. 1867, 1994; (a) - (e)}

(f) The County School Fund, Custody and Disbursement. The county school fund shall consist of all monies belonging to the Board of Education and not forming of any trust fund and shall be kept in a bank or banks in Richmond County designated by the Board, subject to any law of the State of Georgia relating to the deposit of public funds. The officer responsible for the collection of taxes in Richmond County shall deposit the proceeds of the annual tax levy made by the County Board of Education of Richmond County in the said bank or banks. A certificate of deposit from the bank shall constitute a sufficient receipt for all payments into such fund. Money shall be paid out of the county school fund only on orders signed by the president or vice-president and the secretary or controller of the Board of Education. All checks, drafts and orders may be signed by facsimile signature of the respective officers. The employee having custody of the payroll checks shall be bonded in such amount as may be fixed from time to time by the Board, the premium to be paid from the school fund. {House Bill No. 753, 1977}

g) The construction of new school buildings in all cases, additions or repairs to old or existing buildings, or the purchase of supplies, materials, or equipment where the cost of such additions, repairs, supplies, materials, or equipment is in excess of \$7,500.00 shall not be undertaken

except by advertising for bids three successive days in a daily newspaper and in such other publications as deemed appropriate by the board published in Richmond County, which advertisement shall state the time and place at which the secretary of the board of education will receive sealed proposals for the work or commodity in question. The bids shall be opened and read in public at the next meeting of the board and the contract awarded to the lowest responsible bidder or all bids shall be rejected and readvertisement ordered. The names of all bidders with the amount of their bids shall be kept on file for one year in the office of the secretary of the board and shall be open to public inspection during regular business hours. No member of the board of education shall participate in the action of the board in awarding a contract in which he is interested personally or as a member of a firm or majority stockholder or officer of a corporation.

In addition to the procedures for opening and reading bids as required above for purchases in excess of \$7,500.00, the controller or an authorized person from the controller's office shall be allowed to open and read such bids in public at the board office on dates prior to any regular or special called board meeting so long as all affected bidders and vendors are notified of the time and place of the bid opening and at least one other person is present at said bid opening. If this alternate bid procedure is used, the bids so opened shall be computed and presented to the board of education at its next regular or any special called board meeting and at such meeting the contract shall be awarded to the lowest responsible bidder meeting specifications or all bids shall be rejected and readvertisement reordered. This is an alternate bid opening procedure and does not change any of the requirements for advertisement, public inspection, or any other portion of the laws relating to the Board of Education of Richmond County and its procedure in letting contracts for \$7,500.00 or over other than allowing for this one additional method of opening and reading bids. The board of

education may set such conditions, terms, and requirements as it deems necessary where the amount of such addition, repair, or purchase costs are less than \$7,500.00. {House Bill No. 1628, 2000, Section 1 }

(h) The members of the Board of Education shall be individually, jointly and severally liable to the Board of Education to repay any amounts appropriated or expenses incurred in excess of said budget limits when present at the voting of the same, except such of them as vote in the negative and have their names so entered upon the minutes of said Board. Suit may be brought against the members of said Board in any court of competent jurisdiction of this state by any resident of Richmond County, suing in the name of and for the use of the Board of Education, to recover amounts appropriated or expenses incurred in violation of this Act, and against the superintendent of schools for any expenses incurred in violation of this Act upon his certificate. Provided, however, no such member shall be liable as provided above unless the deficit for any one year shall exceed \$200,000.00 or the deficit shall not be included as a part of the following year's debt.

(i) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment of not more than six months, or by a fine of not more than five hundred (\$500.00) dollars, or by both.

(j) The superintendent of schools, the president and vice president of the Board of Education, and controller shall furnish to the County Board of Education, surety company bonds in such amounts as the Board may determine, conditioned upon the faithful performance of their duties. The premiums of such bonds shall be paid from the county school fund. ***N.B., Section (g) through (j) were not assigned headers.***

**SECTION K**

Section 9. COMPENSATION OF BOARD OF EDUCATION. Each member of the board except the president and vice president shall be paid the sum of \$6,800.00, per annum, payable in equal monthly installments; the vice president of said board shall be paid the sum of \$7,400.00, per annum, payable in equal monthly installments; and the president of said board shall be paid in the sum of \$8,000.00, per annum, payable in equal monthly installments. {House Bill No. 780, 1999, Section 4}

**SECTION L**

Section 10. COMPENSATION OF SUPERINTENDENT OF SCHOOLS. Be it further enacted that the superintendent of schools shall receive for his services such compensation as the County Board of Education may from time to time prescribe, to be paid out of the county school fund in the same manner as other bills.

## **SECTION M**

Section 11. TENURE OF TEACHERS. As used in this section, the word “teacher” shall include all persons professionally certified by the State Department of Education employed as teachers, principals, administrators and supervisors, except all assistant superintendents, associate superintendents and the superintendent of schools.

The superintendent of schools shall be removed under such conditions as set out elsewhere in this charter. Assistant or associate superintendents may be demoted and/or transferred by the Board of Education under the following terms and conditions.

The superintendent shall recommend in writing to the Board that such assistant or associate superintendent be demoted and/or transferred, stating the reasons therefor. The Board, at any regular meeting or special meeting called for this purpose, may approve the recommendations of the superintendent by a simple majority vote of their members present. The superintendent shall then inform such demoted and/or transferred assistant or associate superintendent in writing of the decision of the Board, stating the reasons therefor. Such assistant or associate superintendent shall then have the opportunity to be heard thereon at a public hearing of said Board if he so desires. Such hearing of said Board shall be held not less than ten days nor more than twenty days after a request in writing is presented by such assistant or associate superintendent. He shall be entitled to be represented by counsel at such hearing; and upon his request witnesses, whose testimony is pertinent to said matter, shall be subpoenaed by the president or the vice president of the Board. After such hearing, the Board’s decision upon a majority vote of the members present shall be final. Assistant or associate superintendents who are transferred and/or demoted shall not receive a reduction in

salary below the salary being paid other persons in the system held in the system by such assistant or associate superintendent prior to his appointment to assistant or associate superintendent. Assistant or associate superintendents shall not be removed from the system except for one of the reasons and subject to all the terms and conditions numbered (a through m), inclusive, hereinafter stated in this section of the charter.

Teachers who have not been employed by the Board of education prior to the commencement of the school year of 1948 for as much as three consecutive years shall be appointed to serve for not more than one year at a time until they shall have completed a probationary service of three school years of not less than seven consecutive months each, including such years as they shall have served prior to 1948. All teachers reappointed, without the condition hereinafter described, after the expiration of the probationary period, including all teachers who, prior to the commencement of the school year of 1948, have been permanently elected as provided in an Act approved March 12, 1937 (Ga. Laws, 1937, pages 1409-1413), shall have a permanent tenure and no teacher shall be removed from his employment with the Board of Education or shall the status of any teacher be changed so as to effect a reduction in his salary except for one of the following reasons:

- (a) Nonperformance of duty;
- (b) Incompetency;
- (c) Immorality;
- (d) Inefficiency;
- (e) Conviction of any crime involving moral turpitude;
- (f) Failure or refusal to comply with all reasonable orders, requests or directions of the superintendent or other superior official;

- (g) Violation of any rule or regulation of the Board of Education;
- (h) Persistent failure or refusal to maintain orderly discipline of students;
- (i) Inciting, encouraging or counseling students to violate any valid state law, municipal ordinance, or policy or rule of the Board of Education;
- (j) Revocation by competent state authority of the certificate of a teacher or other certified personnel;
- (k) Violation of any contract provision;
- (l) Physical or mental incapacity to carry on his work as a teacher;
- (m) Conduct reflecting discredit on the teaching profession or the public schools of Richmond County.

The condition above referred to, by reason of which teachers reappointed after the probationary period shall not have permanent tenure, shall be that condition which shall exist by reason of the employment of teachers to whom there has not been issued by the State Department of Education a full four year college professional teacher's certificate, and there shall be a continuance of the probationary period as to each such teacher so long as his conditional certificate is in effect. Thereafter, upon reappointment, he shall have the same rights of permanent tenure as above described.

Before a removal on any of the grounds set forth above as (a through m), inclusive, the teacher shall be entitled to a clear statement in writing of the grounds of the proposed removal and an opportunity to be heard thereon before the Board of Education, personally or by counsel, which hearing shall be public. The president or vice president of the Board shall subpoena at the request of

the teacher all witnesses whose testimony would be pertinent to the matter in hand. After such hearing, the decision of the Board of Education shall be final. The Board of Education may, on the recommendation of the superintendent, suspend any teacher against whom removal charges are pending. If the charges are not sustained, the teacher shall be entitled to receive his salary for the period of such suspension. The Board of Education shall have power to make all rules and regulations consistent with the terms of this section necessary to give effect to the same and more particularly establishing the professional standards which teachers must maintain, as provided in paragraph (g) below. Nothing in this section shall be taken to limit the power of the Board of Education to assign teachers to such positions as, in its judgment, are best for the school system or abolish any existing positions under its jurisdiction, provided that, in the event any such positions shall be abolished no teacher having permanent tenure shall be discharge thereby unless and until there are no teachers employed by the Board of Education who do not have permanent tenure.

Provided however, that any tenured employee of the Board, except assistant or associate superintendent, who has been assigned to any special program on a temporary or permanent basis and such program is discontinued for valid educational or financial reason, such tenured employees, shall be reassigned to another special program, if available, and if none is available, shall be reassigned to the job classification, which such person held prior to being assigned to the special program, and the salary shall be adjusted to that of other persons having similar qualifications and doing similar work for the Board.

That, in order to maintain the minimum professional standing required for Richmond County teachers, every principal, teacher, administrator, and supervisor shall comply with one of the following requirements:

- (a) Earning three or more hours of college credit shall validate professional standing for the immediately following three consecutive years.
- (b) Writing a book and getting it published shall validate professional standing for the immediately following three consecutive years, said book to meet the approval of the superintendent of schools.
- (c) Having one or more articles published in a standard educational, scientific or literary magazine shall validate professional standing for one year immediately following.
- (d) Making original plans, devices or methods of teaching that will be valuable to the school work of this county shall validate professional standing for one year immediately following, if approved by the superintendent of schools.
- (e) Doing public service work, including parent-teacher work, of such nature as to bring benefit to the schools of this county, if approved by the superintendent of schools, shall validate professional standing for one year immediately following.
- (f) Traveling on an approved plan, which has educational value, shall validate professional standing for one or more years, when approved by the superintendent of schools and as shall be determined by him.
- (g) The Board of Education, with the superintendent of schools, may decide what other things shall be counted towards maintaining professional standing in classes not clearly provided for in this list of requirements.

Whenever the masculine pronoun is used herein it is to be construed to refer to both sexes.

Whenever the singular form is used it is to be so construed as to include the plural. *N.B., O.C.G.A. §*

*20-2-940 et. seq., The Fair Dismissal Act has effectively nullified Section M.*

**SECTION N**

Section 12.     LEGAL ADVICE AND REPRESENTATION.     The County Board of Education of Richmond County shall have the right to retain an attorney for legal advice and representation who shall perform such duties and render such services as shall from time to time be prescribed by said Board of Education. The attorney shall be paid for services rendered by the County Board of Education of Richmond County solely from board funds.

## **SECTION O**

Section 13. DUTY OF TEACHERS TOWARD PUPILS. And be it further enacted, that it shall be the duty of teachers conscientiously, to the utmost of their capacity, to instruct the youth committed to their care, imparting to them knowledge of the studies embraced in the curriculum of the school, instilling into their minds and hearts the eternal principles of right and truth, and endeavoring to inspire their natures with courage, love of country, and reverence for the great and good.

**SECTION P**

Section 14. SCHOOLS EXCEPT JUNIOR COLLEGE TO BE FREE TO RESIDENTS OF RICHMOND COUNTY. Be it further enacted by the authority aforesaid, that admission to all the public schools of the county, including high schools, shall be free to children, actual residents of Richmond County, but the board shall charge such sums for tuition and incidental expenses in junior college as the Board from time to time shall prescribe.

**SECTION Q**

Section 15. APPLICATION OF GENERAL LAWS. And be it further enacted, that no general law upon the subject of education, now in force in this State, or hereafter to be enacted by the General Assembly, shall be so construed as to interfere with, diminish or supersede the rights, powers and privileges conferred upon the Board of Education of Richmond County by this Act, unless it shall be so expressly provided by designation said County and Board under their respective names.

## SECTION R

The Acts and portions of Acts described in the immediately following paragraphs numbered (1) through (14) shall be and the same are hereby repealed:

(1) An act approved February 15, 1952, entitled “An Act to amend an Act entitled an Act to provide for the continued existence of the public school system of the county of Richmond in accordance with Section X of Article VIII of the Constitution of the State of Georgia and for its management and control as provided in an Act entitled ‘An Act to regulate public instruction in the County of Richmond’, approved August 23, 1872, pages 456-463, as amended by this Act.” (Ga. L. 1952, pages 2649-2652)

(2) An act approved February 19, 1953, entitled an Act to amend an Act approved February 25, 1949, (Ga. L. 1949, pages 1435-1460), and the amendatory Acts thereof, entitled “An Act to provide for the continued existence of the public school system of the County of Richmond in accordance with Section X of Article VIII of the Constitution of the State of Georgia and for its management and control as provided in an Act entitled ‘An Act to regulate public instruction in the County of Richmond’ approved August 23, 1872 (Ga. L. 1872, pages 456-463) as amended by this Act.” (Ga. L. 1953, pages 2440-2442)

(3) An Act approved March 4, 1955, entitled “An Act to provide for the continued existence of the public school system of the County of Richmond in accordance with Section X of Article VIII of the Constitution of the State of Georgia and for its management and control as provided in an Act entitled ‘An Act to regulate public instruction in the County of Richmond’, approved August 23, 1872 (Ga. L. 1872, pages 456-463), as amended by this Act; to repeal all Acts

hitherto passed amendatory of or supplemental to said Act approved August 23, 1872.” (Ga. L. 1955, pages 2644-2650)

(4) An Act approved March 6, 1956, entitled an Act to amend an Act entitled, “An Act to amend an Act to provide for the continued existence of the public school system of the County of Richmond in accordance with Section X of Article VIII of the Constitution of the State of Georgia and for its management and control as provided in an Act entitled ‘An Act to regulate public instruction in the County of Richmond’, approved August 23, 1872, pages 456-463, as amended by this Act.” (Ga. L. 1956, pages 2891-2895)

(5) An Act approved March 10, 1959, entitled “An Act to amend an Act regulating public instruction in the County of Richmond approved August 23, 1872 (Ga. L. 1872, page 456), as amended particularly by an Act approved February 25, 1949, (Ga. L. 1949, page 1435), an Act approved February 17, 1950 (Ga. L. 1950, page 2728), and an Act approved March 6, 1956, (Ga. L. 1956, page 2891) so as to provide for two additional members on the Board of Education of Richmond County.” (Ga. L. 1959, pages 2898-2903)

(6) An Act approved March 17, 1960, entitled “An Act to amend an Act regulating public instruction in the County of Richmond, approved August 23, 1872 (Ga. L. 1872, page 456), as amended, particularly by an Act approved March 23, 1937 (Ga. L. 1937, page 1408), and an Act approved February 25, 1949 (Ga. L. 1949, page 1435), and an Act approved March 4, 1955 (Ga. L. 1955, page 2644) so as to change the compensation of the members, president and vice president of the Board of Education.” (Ga. L. 1960, pages 3132-3134)

(7) An Act approved March 10, 1964, entitled “An Act to amend an Act entitled ‘An Act to regulate public instruction in the County of Richmond’, approved August 23, 1872 (Ga. L. 1872,

page 456), as amended, particularly by an Act approved February 25, 1949 (Ga. L. 1949, page 1435), so as to change the terms of office of the president and vice president; to provide that they shall have the right to succeed themselves; to change the fiscal year; to authorize the Board of Education to include in its budget any written commitments of payment of funds from the State Department of Education and from the United States; to relieve the members of the Board of Education from fiscal liability for deficit spending under certain circumstances; to authorize the business manager to sign checks or warrants in the absence of the superintendent; to repeal conflicting laws; and for other purposes.” ( Ga. L. 1964, pages 2832-2833)

(8) An Act approved February 28, 1966, to amend an Act entitled “An Act to amend an Act regulating public instruction in the County of Richmond, approved August 23, 1872 (Ga. L. 1872, page 456), as amended, particularly by an Act approved March 23, 1937 (Ga. L. 1937, page 1408), an Act approved February 25, 1949 (Ga. L. 1949, page 1435), an Act approved March 4, 1955 (Ga. L. 1955, page 2644), and an Act approved March 17, 1960 (Ga L. 1960, page 3132), so as to change the compensation of the members, president and vice president of the Board of Education; to repeal conflicting laws; and for other purposes.” (Ga. L. 1966, pages 2103-2104)

(9) An Act approved March 21, 1968, to amend an Act entitled “An Act to amend an Act regulating public instruction in the County of Richmond, approved August 23, 1872, (Ga. L. 1872, page 456), as amended, particularly by an Act approved March 23, 1937 (Ga. L. 1937, page 1408), an Act approved February 25, 1949 (Ga. L. 1949, page 1435), an Act approved March 4, 1955, (Ga. L. 1955, page 2644), an Act approved March 17, 1960 (Ga. L. 1960, page 3132), and an Act approved February 28, 1966 (Ga. L. 1966, page 2103), so as to fix the date of the election for members of the County Board of Education of Richmond County hereafter elected on the first

Tuesday after the first Monday in November in all future elections.” (Ga. L. 1968, pages 2684-2685)

(10) An Act approved April 11, 1968, to amend an Act entitled “An Act to amend an Act regulating public instruction in the County of Richmond, approved August 23, 1872 (Ga. L. 1872, page 456), as amended, particularly by an Act approved March 23, 1937, (Ga. L. 1937, page 1408), an Act approved February 25, 1949 (Ga. L. 1949, page 1435), an Act approved March 4, 1955, (Ga. L. 1955, page 2644), an Act approved March 17, 1960 (Ga. L. 1960, page 3132), and an Act approved February 28, 1966 (Ga. L. 1966, page 2103), so as to change the method of filling vacancies in said Board.” (Ga. L. 1968, pages 3633-3656)

(11) An Act approved April 25, 1969, to amend an Act entitled “An Act to amend an Act regulating public instruction in the County of Richmond, approved August 23, 1872, (Ga. L. 1872, page 456), as amended, particularly by an Act approved March 10, 1959, (Ga. L. 1959, page 2898), so as to provide that there shall be sixteen members on the Richmond County Board of Education, the sixteenth member of which shall be elected, from the 121<sup>st</sup> militia district beginning with the election in 1969, to a four-year term; to repeal conflicting laws; and for other purposes.” (Ga. L. 1969, pages 3567-3569)

(12) An Act approved April 7, 1972 to amend an Act entitled “An Act to regulate public instruction in the County of Richmond, approved August 23, 1872 (Ga. L. 1872, page 456), as amended, particularly by an Act approved February 25, 1949 (Ga. L. 1949, page 1435), so as to change the provisions relative to the budget.” (Ga. L. 1972, pages 3959-3961)

(13) An Act approved April 17, 1973, to amend an Act entitled “An Act to amend an Act relating to the public education within Richmond County, approved August 23, 1872 (Ga. L. 1872, page 456), as amended, particularly by an Act approved February 25, 1949 (Ga. L. 1949, page 1435),

so as to provide that the County Board of Education shall have the right to retain an attorney to advise and represent said County Board of Education of Richmond County; to provide for and pay for services rendered by him solely from Board funds; to delete therefrom those provisions which provide that the County Attorney for Richmond County shall be ex officio attorney for the County Board of Education.” (Ga. L. 1973, pages 3308-3310)

(14) And all other Acts or Parts of Acts in conflict with this Act.

{NOTE: Paragraphs (1)-(14) of Section R were placed in the Charter in 1974, when the board reinstated the Charter in order to make it one (1) complete document. Said paragraphs are for historical references only, and, otherwise, have no relevance. }

## **SECTION U**

SEVERABILITY. If any provision of this Act, or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the applicability thereof and of such provision to other persons or circumstances shall not be affected thereby.

## AN ACT

To carry into effect an amendment to the Constitution, as found in Ga. Laws 1980, page 2162; to provide for the governing authority of the Public School System of Richmond County to grant a discount for early payment of school ad valorem taxes; to provide for the amount of the discount; to provide for the amount of payment and date to qualify for discount; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**Section 1.** The County Board of Education of Richmond County shall have the authority to provide by resolution for every taxpayer who pays school ad valorem taxes in Richmond County within twenty (20) days from the original billing date of the school ad valorem taxes an incentive discount not to exceed four percent (4%) for early payment of said taxes. No such discount shall be granted except upon payment in full by the taxpayer of all ad valorem taxes due and payable for school taxes. The County Board of Education may from time to time by appropriate resolution change the amount of discount allowed provided such modification does not exceed the maximum discount allowed herein.

**Section 2.** This act shall become effective upon its approval by the Governor or upon its becoming law without his approval.

**Section 3.** All laws and parts of laws in conflict with this Act are hereby repealed. (H.B. No. 510) *N.B., Not part of Charter, but permanently binding.*