



# AGENDA



*We Believe in Public Education*

The Newsletter of the Georgia School Boards Association  
Second Quarter - December 2002

## GSBA eSolutions Offers Online Tools to Improve Governance

**G** SBA eSolutions is a family of products and services developed by GSBA that offers powerful, yet easy-to-use, web-based tools to manage information vital to the effective governance of a school system. GSBA eSolutions includes:

each school district has unique needs and GSBA eSolutions can be customized to meet those particular needs. Users of these products have the benefit of a long-standing relationship with GSBA in putting these products to use.

GSBA eBoard is a snap to learn and use. As with all of its products and services, GSBA will always be available as a resource.

### GSBA eLaw

GSBA eLaw is the authoritative online guide to school law in Georgia. This completely searchable legal reference is a valuable resource for school board members, superintendents and school system administrators. The information is written in a user-friendly question and answer format covering everything from discipline issues to open records and open meetings. GSBA eLaw is the solu-



- GSBA eBoard - the complete paperless board meeting packet.
- GSBA eLaw - the authoritative online guide to school law in Georgia.
- GSBA ePolicy - effective online policy management.

For more than 50 years, GSBA has kept one purpose in mind in providing products and services to local boards of education: to assist in the effective governance of local schools. GSBA understands that

### GSBA eBoard

GSBA eBoard is an easy-to-use paperless board meeting packet solution. This web-based solution allows easy access to board meeting information including agendas, supporting documents and reports, minutes and a goal-tracking system. For those on the school system staff who have the responsibility for compiling the information and putting it online,

[continued on page 15...](#)

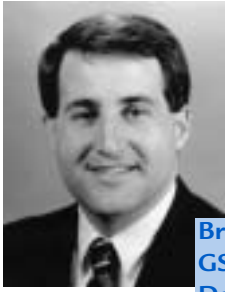


*Follow me to page 4  
for 2002 GSBA/GSSA  
Annual Conference  
Information!*

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## From the President...



Brad Bryant  
GSBA President  
DeKalb County Schools

The political landscape in our state looks very different than it did before the November 5 election. Once again, public education was a central theme of our statewide elections and was, at least in part, the reason for the change in leadership. What the change will mean to public education policy in our state remains the question of the day.

It is my opinion, however, that we've made significant progress over the last few years in Georgia's educational system. From pre-kindergarten through post secondary levels, education in our state has benefited from being in the limelight. Governor Zell Miller was dubbed the "Education Governor" and his successor Governor Roy Barnes also dedicated much of his term in office to improving public education.

With all of the changes we've undergone in Georgia, we are much closer to being in compliance with the federal No Child Left Behind Act than many other states. A lot of the work is already underway in lowering the pupil to teacher ratio and managing the new accountability regulations. While there is much left to be defined and put into practice, Georgia is not starting from scratch and we have our state leaders – past and present – to thank for that.

Both State School Superintendent-Elect Cox and Governor-Elect Perdue campaigned on the notion that local school boards and communities need to be in control of education issues; as an Association we have long advocated that position and applaud them for publicly recognizing that fact. GSBA stands ready to work with them as we continue education reform in this state in a more meaningful state-local partnership.

We also have an opportunity, with a newly elected state school superintendent, to forge stronger bonds with Georgia's Department

*“ Both State School Superintendent-Elect Cox and Governor-Elect Perdue campaigned on the notion that local school boards and communities need to be in control of education issues; as an Association we have long advocated that position and applaud them for publicly recognizing that fact. GSBA stands ready to work with them as we continue education reform in this state in a more meaningful state-local partnership. ”*

of Education. It is a well-known fact that relationships with the Department have suffered over the last few years...for a variety of reasons. One reason being that local systems felt out of touch with the Department. There is now the possibility for new, stronger and more amiable relations between the Department, the Georgia Board of Education, local boards of education and local school system administrators. Teamwork all the way

through the system is a much better indicator of success than turf-guarding and defensiveness. Public school students will benefit greatly from shared and inspired leadership at the state level.

Even with new faces in leadership positions in our state, GSBA remains the voice for local boards of education and local control of public education. Our legislative priorities will remain focused on those issues we believe to be paramount to the success of local school districts. GSBA's legislative team will work on all educational issues this session, but will emphasize the following:

- Student Discipline – we ask that legislators cease to pass prescriptive legislation.
- Appropriation of Funds for Educational Resources – we are targeting the need for funding for textbooks in particular.
- Instructional Expenditure Control – we are asking that there be a return to flexibility at the 1999 level.
- Maintenance and Operation Funding – with the lowering of the pupil to teacher ratio and other factors, school districts are desperately needing increased M&O funding.

Along with these issues GSBA will represent the interests of all local boards of education at the Capitol. Members are often asked to contact their local legislators to assist in articulating GSBA's legislative position on a given issue. I urge you to go to the GSBA website ([www.gsba.com](http://www.gsba.com)), look up the legislative positions and become familiar with them.

As a closing thought, I find it comforting that amidst the swirl of change at the state level, GSBA remains a steadfast ally and friend to public education in Georgia. We were here yesterday, are here today and will be here tomorrow. ▲

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**Georgia School Boards Association  
Georgia School Superintendents  
Association  
2002 Annual Conference**

**December 6-7, 2002  
Renaissance Waverly Hotel, Atlanta**

**Pre-Conference Activities**

**Wednesday, December 4, 2002**

1-5:00 p.m. New Board Member  
Orientation



**Thursday, December 5, 2002**

8 a.m.-5 p.m. New Board Member  
Orientation Continues  
8:30 a.m.-4:30 p.m. GSBA E. Freeman Leverett  
School Law Seminar



**Annual Conference Agenda\***

**Friday, December 6, 2002**

8:00 a.m. Registration/Exhibits Open  
9:00 a.m. First General Session -  
*Congressman Johnny Isakson*  
10:15 a.m. Second General Session -  
*LaDonna Gatlin*  
11:15 a.m. Exhibits Open  
12:15 p.m. Awards Luncheon  
2:00 p.m. Third General Session -  
*Dr. Glenn Jacobus*  
3:00 p.m. Fourth General Session -  
*Governor Roy E. Barnes*  
3:45 p.m. Break and Tour of Exhibits  
4:00 p.m.-5:00 p.m. Special Interest Clinics



**Saturday, December 7, 2002**

8:30 a.m. Breakfast General Session -  
*State School Superintendent Elect  
Kathy Cox*  
*Governor Elect Sonny Perdue  
(invited)*  
10:30 a.m. Door Prizes  
(must be present to win)  
10:45 a.m. Adjourn



Conference Pre-Registration Fee: \$225\*\*  
Conference Registration at the Door: \$240\*\*



\* Agenda subject to change. \*\* An administration fee of 50 percent may be charged for cancellations received after November 25, 2002.

**GSBA  
GSSA Annual  
Conference**



**Don't Miss These Speakers!**

*(Listed in order of appearance.)*



**Congressman Johnny Isakson**



**LaDonna Gatlin**



**Dr. Glenn Jacobus**



**Governor Roy E. Barnes**



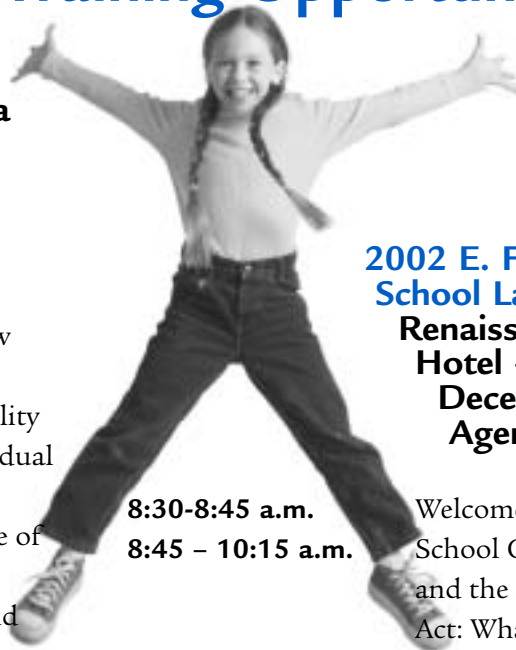
**State School Superintendent  
Elect Kathy Cox**



**Governor Elect  
Sonny Perdue  
(Invited)**

# Pre-Conference Training Opportunities

## New Board Member Orientation Renaissance Waverly Hotel – Atlanta December 4-5, 2002 Agenda\*



### Wednesday, December 4, 2002

- 1:00-1:15 p.m. Introductions and Overview
- 1:15-4:30 p.m. School Law
  - The Role and Responsibility of the Board and the Individual Board Member
  - Public Records in the Age of Technology
  - The Role of the Board and the Superintendent in Personnel Issues
  - No Child Left Behind (NCLB)
- 4:30 p.m. Superintendent Evaluation/ Board Assessment
- 5:30 p.m. Adjourn first day

### Thursday, December 5, 2002

- 8:00-8:15 a.m. Perspective on the Day
- 8:15-9:30 a.m. Effective Board Meetings
- 9:30-10:15 a.m. Using Technology to Become a More Effective Board Member
- 10:15 a.m.-12:00 p.m. The Board's Role in Student Achievement and School Finance
- 12:00 p.m. Luncheon
- 1:00-4:30 p.m. School Finance Continued
- 4:30-5:00 p.m. Review and Perspective
- 5:00 p.m. Adjourn

## 2002 E. Freeman Leverett School Law Seminar Renaissance Waverly Hotel – Atlanta December 5, 2002 Agenda\*

- 8:30-8:45 a.m. Welcome and Introductions
- 8:45 – 10:15 a.m. School Choice, School Reform and the No Child Left Behind Act: What School Board Members Need to Know
- 10:15 -10:30 a.m. Break
- 10:30 – 11:15 a.m. Personnel Issues: ADA (American Disabilities Act), FMLA (Family Medical Leave Act) and Absent Teachers
- 11:15 - 11:45 a.m. Student Privacy Rights: Searches, FERPA (Federal Education Right to Privacy Act) and Dress Code
- 11:45 – 1:00 p.m. Lunch
- 1:00 - 4:00 p.m. School Board Members/Superintendents Session
- 1:00 - 1:15 p.m. Business Meeting
- 1:15 - 2:15 p.m. Jerry Lumley, President GCSBA
- 2:15 - 2:30 p.m. Ethics for School Board Attorneys
- 2:30 - 4:30 p.m. Break
- 4:30 p.m. Trial Practice: Obtaining Unitary Status for the School District
- 4:30 p.m. Adjourn

*Go to [www.gsba.com](http://www.gsba.com) for the latest information on housing and the conference schedule.*

NOTE: Attorneys may receive CLE (Continuing Legal Education) credits for participating in full day.

\* Agenda subject to change (see final on-site printed agenda).



## Preparation and Responsiveness Lead to Increase in Membership

By GSBA Director of Finance and Risk Management Lee Gaby

**T**he competitive market that existed for property and liability insurance has virtually disappeared in recent months. A few companies remain active, with each using a different method of targeting select groups of schools and limiting the coverages they offer. Finding an appropriate combination of policies at an affordable cost can be time consuming and frustrating. For school officials seeking an alternative means of protecting their system, the GSBA Risk Management Fund has proven to be reliable and affordable. Now in its ninth year of operation, the Fund is well positioned to assist more school boards. The addition of seven school systems since July 1 has increased the membership to 40 and the total student enrollment base to 444,157.

A quick look at the Fund's operating program reveals some of the ways that this alternative differs from traditional insurance. The program begins with an exposure evaluation and budgeting process early in each spring and leads to delivery of a comprehensive coverage agreement to all its members on

a July fiscal year period. Using an actuarial estimate of all losses that will be incurred during the period, the Fund arranges for transfer of large and unusual losses to a special group of insurance companies known as reinsurers. It retains or "self-finances" the remaining small, predictable losses. The process of segregating losses allows the Fund to dramatically cut the fixed costs that traditional insurance companies must bear. State taxes and premium assessments are eliminated on the portion of the funds that are "self-financed." Agents' commissions are eliminated altogether. Money that is not used for either losses or administrative expenses is retained for future year operations, allocated for special projects and/or returned as dividends.

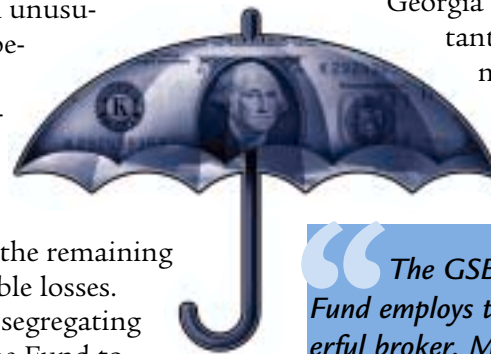
The Fund provides a professional risk management service to perform both the routine tasks associated with an insurance plan and the advanced tasks that save

money when new construction and other contractual risks arise for the members.

A large group of school systems with risks spread across the state makes an attractive customer for professional reinsurers operating on a national or global basis. These reinsurers provide the financial backing for school risk management funds in other states, as well as, commercial insurers and self-insurance programs for Fortune 500 and other large companies. The GSBA Risk Management Fund employs the services of a powerful broker, Marsh USA, to deal with the reinsurers and obtain the most favorable terms. The broker creates competition, assists with recovery of large loss payments and monitors the financial security of the reinsurers.

The ability of the GSBA Risk Management Fund to design a coverage plan to fit the needs of Georgia schools is an important advantage over commercial insurance.

Revisions of the coverage document are ultimately con-



*"The GSBA Risk Management Fund employs the services of a powerful broker, Marsh USA, to deal with the reinsurers and obtain the most favorable terms. The broker creates competition, assists with recovery of large loss payments and monitors the financial security of the reinsurers."*

trolled by the members, acting through their elected Trustees, General Counsel and appointed administrators, led by GSBA. Instead of arbitrary and often

Preparation and Responsiveness continued on page 9...

## From GSBA's Executive Director...



Sis Henry  
GSBA Executive  
Director

A few weeks ago GSBA President Brad Bryant and I wrote a "Letter to the Editor" concerning education reform that was distributed to newspapers around the state. In the letter we cited the role that school boards must play in the reform process and urged voters to take their local school board elections seriously. It was gratifying to see that numerous papers across the state carried the article.

Now that the elections are over, and we have many newly elected officials at the state and local levels, our focus must shift to making sure these new officials thoroughly understand the challenges we face in providing a strong system of public education for the children of Georgia.

With regards to the education process for newly elected school board members, GSBA has long recognized the importance of providing specialized training as quickly as possible. The following training initiatives are planned or have already occurred.

### • School Board/Legislative

**Candidate Training** – This year we actually began the training process early in the summer when we co-sponsored board and legislative candidate training forums across the state with the Georgia Partnership for Excellence in Education. Approximately 75 perspective candidates attended one of the five sessions.

• **New Board Member Orientation** – By law, new school board members must receive 12 hours of instruction,


half of which must concentrate on the area of school finance. Historically, most new board members receive their training from GSBA. It is during years when we have major elections that we see a huge turnover on local boards of education. This year is no exception. Our registrations for the December 4-5, 2002, New Board Member Orientation continues to climb and we expect to welcome 200+ participants to this year's workshop.

• **Mentor Program for New Board Members** – A mentor program for new board members is offered for the first time this year. The purpose of the program is to develop a "buddy system" that matches a veteran board member who has strong boardmanship skills with a new school board member. We plan that this partnership will become a mentoring relationship to serve as a possible quick resource concerning basic boardmanship roles. Mentors

are neither to give legal advice nor to ever advise a new board member on how to vote on an issue. The program is voluntary and new board members choose to participate.

• **Outline for New Board Member Orientations at the Local Level** – GSBA realizes that much of the training a new school board member receives is at the local level. We have developed an outline to assist local districts in the planning of new board member orientations. The outline is available to local systems by contacting Dr. Jim Willis, GSBA's professional development specialist.

As we begin this new era in Georgia politics, we have the opportunity to forge new relationships at the state and local level to strengthen the public schools of Georgia. We look forward to the challenges ahead. ▲



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The following boards of education have verified their compliance with the  
“Standards for Local Boards of Education.”

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Ben Hill County  
Bibb County  
Bleckley County  
Bremen City  
Bulloch County  
Camden County  
Carrollton City  
Cartersville City  
Catoosa County  
Cherokee County  
Clay County  
Cobb County  
Coffee County  
Colquitt County  
Commerce City  
Dalton City  
Dawson County  
DeKalb County  
Dougherty County  
Elbert County  
Floyd County

Franklin County  
Fulton County  
Gainesville City  
Glascock County  
Gordon County  
Grady County  
Greene County  
Griffin-Spalding County  
Gwinnett County  
Habersham County  
Harris County  
Heard County  
Houston County  
Jackson County  
Jefferson City  
Jones County  
Lee County  
Lincoln County  
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Lumpkin County  
Madison County  
Marion County  
McDuffie County  
Meriwether County

Morgan County  
Newton County  
Randolph County  
Richmond County  
Rockdale County  
Screven County  
Stephens County  
Taliaferro County  
Tattnall County  
Taylor County  
Terrell County  
Thomas County  
Thomaston-Upson  
County

Troup County  
Towns County  
Vidalia City  
Ware County  
Washington County  
Wayne County  
Whitfield County  
Wilcox County  
Worth County



**Call GSBA for more information on the  
“Standards for Local Boards of Education.”  
Participation in the program is a mark of  
distinction for boards of education.**

Preparation and Responsiveness continued from page 6...

redundant deductibles, there is a pattern created for different size members and flexibility is maintained to satisfy individual situations.

The Trustees also employ a professional claims management organization to intercede on behalf of its members and administer the payment and recovery process when a loss occurs. GSBA staff provides oversight and control on local adjustor and attorney selection. The Fund responds immediately when a bus accident occurs, a building is damaged or notice of a liability demand is made. The Fund's claims manager will coordinate appraisal services and investigation using firms especially qualified for Georgia school systems.

GSBA employs a Risk Services Manager, and two risk

management specialists, one based in Sylvester to serve south Georgia members exclusively. Service requirements are met by carefully matching staff to members and monitoring the number and type of coverages and the degree of student and employee exposures. A state-of-the-art risk management information system gives members and staff ready access to loss data and status of open claims. GSBA seeks opinions about service needs from business officials and superintendents as part of a continuous strategic planning process for the Fund.

Every prospective member of the Fund is provided alternatives for coverage limits and extensions in order to create an appropriate, individual protection plan. GSBA and the Fund's broker looks for ways that school systems can solve common coverage issues and prevent

gaps or holes in their plans. New and emerging risks are evaluated for their potential frequency and severity of loss. Armed with reliable and relevant information, the Fund is able to reduce the anxiety and frustration that school officials often experience in their jobs. By contributing to the sense of stability, security and well-being of faculty and support personnel, a larger risk management objective can be met. The Fund ultimately satisfies the needs of its members for greater operational excellence and intimacy with their educational mission.

To learn more about the benefits of membership in the GSBA Risk Management Fund, please encourage a representative of your school system to contact Lee Gaby, GSBA Director of Finance & Risk Management (770-962-2985 or lgaby@gsba.com). ▲



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## Executive Session

By Harben & Hartley, LLP  
GSBA General Counsel

# Bidding and Bonding for Boards



**S**chool board members often marvel at the legal intricacies involved in financing and constructing school facilities. We have found that board members can be surprised to learn after they proceed through the legal challenges of authorizing and passing a SPLOST, they have only cleared the first of a number of legal hurdles required by state and federal law for spending public funds.

Two of the more complex – and necessary – requirements for boards to understand are the board’s obligations to publicly bid projects and to ensure a construction project is properly bonded. Failure to follow these requirements can have serious consequences. If a board fails to follow proper bidding requirements, a much-needed school construction project can be tied up for months in litigation, should an unhappy bidder elect to challenge the bidding process. If a board does not follow proper bonding requirements, it may learn that the general contractor failed to pay the local subcontractors working on the new school and they are now looking to the board to pay them what the general contractor did not. In light of the General

Assembly’s recent extensive amendments to the bidding and bonding statutes, we considered this a good time to discuss bidding and bonding requirements for public school construction projects.

The distinction between projects that must be bid and bonded and those that do not have that requirement is often a difficult one. For example, while bidding and bonding is not required for “routine” operation, repair or maintenance of existing structures, it is required for “repairing [or] improving” any public structure or building. Further complicating the process, the General Assembly did not provide a distinction as to what it regards as “routine” repair and “repair.”

Generally, boards of education

are not required to use a competitive bidding and bonding process for projects involving the “building, altering, repairing, improving or demolishing” of any public structure or building unless the project costs a hundred thousand dollars (\$100,000) or more, or is paid for by state capital outlay funds. A board may require competitive bidding and bonding for all construction projects regardless of the cost, but for projects costing less than \$100,000, the board may simply choose a contractor or use an alternative selection method. Board members should be aware that the law specifically prohibits subdividing a large project that would require competitive bidding into a number of small projects that would not.

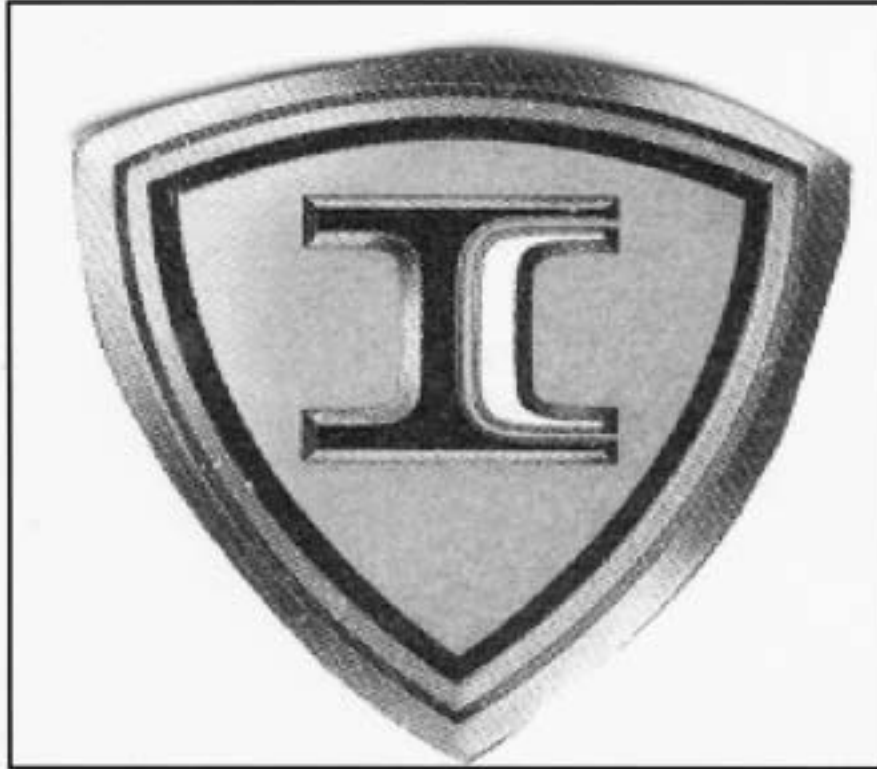
However, should a project cost \$100,000 or more, the board must offer the project for competitive sealed bidding. A board may choose two methods of so doing – pure “bidding” or a “proposal” process. If the board is not concerned about who performs the project and only wants to obtain the best price possible, the board may use a pure “bidding” process by which it awards a contract to whichever contractor submits the lowest sealed bid that is compliant with the other requirements of the bid (such as bonding). However, should the board only have cost as one of the variables that it wishes to consider, the board should establish criteria upon which it will determine its award of the contract.

Technically, individuals or companies participating in the bidding process are called “bidders,” and respondents to the proposal process are called “offerors.” However, in this article, we will refer to offerors and bidders both as “bidders.”

Continued on page 12...

# **NALLEY**

## **MOTOR TRUCKS**



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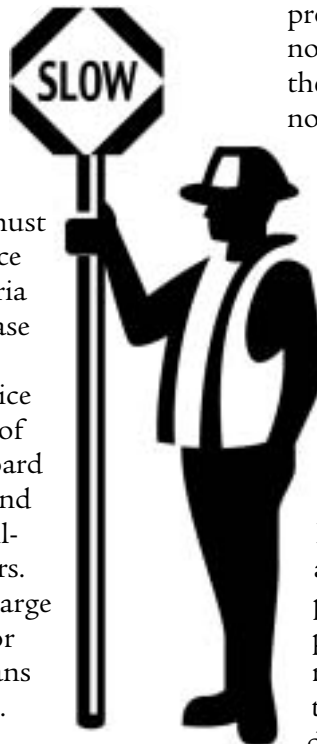
**Comer Hobbs, Jr (404-212-1805)**

**Bill Hewitt (404-212-1885)**

**Candy Powell (404-212-1945)**

Should the board determine that a competitive sealed bidding process is required for a project, the board must first give public notice of the contract opportunity. The underlying purpose of this requirement is to give prospective bidders notice of the project, as well as information that will allow them to meaningfully participate in the bidding process. This includes posting the contract opportunity conspicuously in the school district office, as well as running an ad in the legal organ of the county at least four (4) weeks prior to the opening of the sealed bids or proposals. A board may also post such notices on its web site. The initial advertisement must be followed by at least one more advertisement, which cannot follow the first until at least two (2) weeks

have elapsed. The advertisement must give the public notice of the extent and character of the work to be performed, as well as any bonding or “prequalification” requirements. The notice becomes more comprehensive if the board elects to use a proposal process. In such event, the board must include in its notice the selection criteria on which it will base its determination. Upon posting notice of the availability of the project, the board must have plans and specifications available for contractors. The board may charge a reasonable fee for copies of these plans and specifications.



The “notice” requirement effectively carries forward throughout the bidding process. A board should be certain that its administrators and other employees involved in the bidding process understand that they cannot give information regarding the project to any bidder that is not given to all bidders — it would create the appearance, if not the effect, of giving that bidder an unfair competitive advantage. All material clarifications or other revisions to plans, specifications or selection criteria must be communicated to all interested bidders.

To protect itself from bids that are unscrupulous, or unreliable bidders, the board may adopt a “pre-qualification” process for bidders. In such a process, the board may adopt reasonable requirements related to the scope of work that bidders must meet — for example, bidders must have undertaken and successfully completed a public capital construction project with a total cost of \$5,000,000 or more, or bidders must have successfully completed construction of a public capital construction project within the last five years. These “pre-qualification” criteria must be made available to all interested parties prior to the “pre-qualification” criteria being put in place. Should a bidder not meet the pre-qualification criteria and the board does not accept a bid from this individual, he or she must be allowed to respond to this disqualification to a representative of the board.

Along with bids, for projects costing \$300,000 or more, a board must require bidders to supply a “bid bond” for at least 5 percent of the total amount of the proposed contract. A board

continued on page 13...

## Staff Listing

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**Mark Willis**, Controller - mwillis@gsba.com

Executive Session continued from page 12...

may require such bonds for projects less than \$300,000. These bonds protect the board in the event that the bidder's offer is not responsive, or the bidder attempts to revoke his or her bid after the bids are opened.

Bidders on projects costing \$100,000 or more must also be required to supply two other types of bonds – payment and performance bonds. As board members know, most bidders on public school construction projects hire subcontractors to perform certain aspects of the work. Prior to submitting a bid on a project, a bidder may solicit bids from subcon-

tractors, whose bids the bidder will include in his or her bid to the board. Payment bonds protect the board in the event that a contractor does not pay his or her subcontractors working on the board's project. If the board does not follow statutory bonding requirements and the contractor does not pay his or her subcontractors, the subcontractors may look to the board for payment of their costs and fees, regardless of whether the board paid the contractor in full. Payment bonds must be in an amount at least equal to the amount payable to the successful bidder under the project.

Bidders on projects costing \$100,000 or more are also

required to provide performance bonds. Performance bonds protect the board from a contractor's failure to complete a project on time – or complete the project at all. For payment and bid bonds, a board may allow bidders to submit a cashier's check, certified check, or cash in lieu of a bond. For projects costing \$300,000 or less, the board may accept an irrevocable letter of credit in lieu of a performance or bid bond.

During the bidding process, a bidder is generally not allowed to retract or revoke a bid until 60 days after time set by the board of education for the opening of bids. However, a bidder may be allowed

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## GSBA Associate Members Support GSBA and Public Education!

<b>ABC School Supply</b> 3312 N. Berkeley Lake Road, Duluth, GA 30096	<b>Georgia Power Company</b> 241 Ralph McGill Blvd., 24th Floor, Atlanta, GA 30308	<b>Oliver, Maner and Gray LLP</b> P. O. Box 10186, Savannah, GA 31412
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<b>Eberly &amp; Associates, Inc.</b> 3680 North Peachtree Road, Atlanta GA 30341	<b>National Teacher Associates, Inc.</b> 4949 Keller Springs Road, Addison, TX 75001	<b>Volkert &amp; Associates</b> 107 Saint Francis St., Ste. 9008, Mobile, AL 36602
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	<b>Oconee Electric Membership Corp.</b> P.O. Box 37, Dudley, GA 31022	



# Summary of The No Child Left Behind Act

## Signed into Law on January 8, 2002

### Introduction

- The Act was signed into law on January 8, 2002
- Amends ESEA of 1965
- Controls most funding and programs affecting K-12
- FY 2002 Appropriations are almost \$22 billion

### Summary

- The most significant changes are to Title I – the main Title of the Act – which governs federal support for high-poverty students and schools
- Requires every state, as a condition of receiving federal funds, to establish standards and assessments (in reading/language arts, mathematics, and ultimately science), test nearly every student in nearly every grade, and publicly report performance data for purposes of school accountability.
- There are escalating consequences for schools, districts, and states that fail to demonstrate “adequate yearly progress” in improving student proficiency and closing achievement gaps
- The NCLB also addresses other programs and requirements such as teacher quality, school safety and technology

*This summary first appeared on the GSBA website: [www.gsba.com](http://www.gsba.com).*

### What the Legislation Means for Your Schools

#### Employment and Hiring Practices

- Paraprofessionals who are hired to work in a program supported with Title I Funds:
  - Two years of higher education
  - Hold at least an associate’s degree
  - Pass a proficiency test
- All paraprofessionals working in a Title I program:
  - A high school diploma by July 2002
- Teachers who work in a Title I program, by the first day of the 2002-2003 school year, must be “highly qualified;” that is, they must be fully certified by the state in the subject area they are teaching.

#### Choices for Parents

- School choice for “needs improvement” schools
- School choice for safety
- Home schools
- Pupil privacy (policy required)

#### Miscellaneous Provisions

- Constitutionally protected school prayer
- Boy Scouts
- Sex education
- Military recruiters

## Executive Session continued from page 13...

to withdraw their bid up to 48 hours after the opening of bids if they can show an “appreciable error” in the calculation of their bid.

Both sealed bids and requests for proposals must be opened in public, and bidders and interested members of the public should be given reasonable notice of the bid opening. Upon opening sealed bids, the board should determine whether the lowest bid conforms in all material respects to the requirements set forth in the invitations for bids, or legally, is “responsive.” If it is, and the bidder is a “responsible” bidder, the board should award the contract to this bidder. If the lowest bid is not responsive, or the responsive bid comes from a bidder whom the board does not consider “responsible” based on the bidder’s history in building other projects, the board may move to the second lowest bid and determine whether it is responsive. If none of the responsive bids received by the board are within the budgeted amount of the project, the board may either reject all of the bids or negotiate with the lowest responsive bidder to obtain a contract price within the budgeted amount. This may include changing the scope of work to be performed in the project.

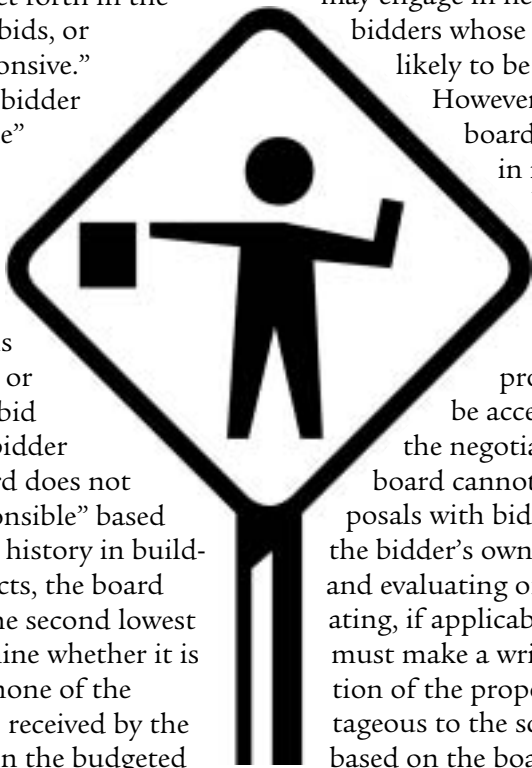
Rejecting bids or bidders is legally problematic. While Georgia law allows boards some latitude in determining whether a bid is acceptable, contractors whose bids were rejected as unacceptable have sued boards. Consequently, prior to a board

rejecting a bid or bidder as unacceptable, a board should consult with its legal counsel to determine whether the board has sufficient legal grounds to make that determination.

After opening sealed proposals, the board should evaluate the proposals based upon the criteria it set forth in determining its proposal process. If the board informed bidders in its request for proposals that it might allow bidders an opportunity to discuss, revise and negotiate their offers after unsealing them, the board may engage in negotiations with bidders whose proposals are likely to be accepted.

However, should the board elect to engage in negotiation, the board must offer this opportunity to all responsive bidders submitting proposals likely to be accepted. During the negotiation process, the board cannot discuss any proposals with bidders other than the bidder’s own. After unsealing and evaluating offers (and negotiating, if applicable), the board must make a written determination of the proposal most advantageous to the school district based on the board’s evaluation criteria. This written determination is a public document, and must be kept in the project’s “contract” file.

Occasionally, community members may be unhappy with the strict procedural requirements necessary in bidding and bonding public school construction projects. However, veteran board members know that these procedures are truly protections for the school district, and these protections arose out of real situations in which unscrupulous bidders took advantage of public funds. ▲



## GSBA eSolutions continued from page 1...

tion for school law legal questions.

### GSBA ePolicy

GSBA ePolicy is the association’s acclaimed solution for creating and maintaining online policy manuals. This service includes a number of options to choose from. We can simply put your existing manual online, or we can also conduct a thorough review and update of your policy manual. It’s your choice.

### New Pricing

Because GSBA’s vision is for all school districts to be able to use these tools for more effective governance, a new pricing structure was developed. The new pricing guidelines are as follows:

- GSBA eBoard is \$750 per month, or \$9,000 annually.
- GSBA eLaw is \$50 per month or \$500 annually.
- GSBA ePolicy prices vary according to the level of service selected. An initial set up fee of \$3,000 is charged for recodification, typing, formatting into policy templates, proofreading and uploading to the web. Systems then pay either \$150 per month or \$1,500 a year for basic maintenance, or \$275 per month or \$3,000 per year for full maintenance.

### More Information and Demos

Visit GSBA’s website ([www.gsba.com](http://www.gsba.com)) and click on the GSBA eSolutions logo for more information about GSBA eSolutions and all of the related products. GSBA eBoard, eLaw, and ePolicy each have demo areas on the website to assist in showing how easy and effective the products are to use. ▲

## Publication Policy

*Agenda* is published six times a year by the Georgia School Boards Association as a service to its member school boards. GSBA is a nonprofit organization for the state's 180 local school boards, which have joined together voluntarily to improve public education through cooperative effort. The articles published in each issue represent the ideas or beliefs of the writers and are not necessarily the views of GSBA, except where specifically stated.

You are invited to submit articles of 1,500 to 2,000 words dealing with topics of current interest to school board members. The editor reserves the right to determine whether the article is appropriate for the readership. Send manuscripts to Laura Reilly, *Agenda* Editor, Georgia School Boards Association, 5120 Sugarloaf Parkway, Lawrenceville, GA 30043.

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***Be sure to put the following  
dates on your calendar:***

***GSBA Summer Conference  
and Delegate Assembly -  
June 20-21, 2003  
Savannah Hyatt  
(Pre-Conference Training  
June 18-19, 2003)***

***NSBA Southern Region  
Conference  
July 16-19, 2003  
Savannah Hyatt***

## Mark the Dates

### GEORGIA SCHOOL BOARDS ASSOCIATION CALENDAR

#### December 2002:

- 4-5 GSBA New Board Member Orientation, Atlanta
- 4 GSBA Board of Directors Meeting, Atlanta
- 5 GSBA E. Freeman Leverett School Law Seminar, Atlanta
- 6-7 2002 GSBA/GSSA Annual Conference, Atlanta
- 12 Georgia Board of Education Meeting, Atlanta
- 18 GSBA Legislative Workshop, Dublin

#### January 2003:

- 27 GSBA Funding Solutions, Swainsboro
- 31 NSBA Leadership Conference, Washington, D.C.

#### February 2003

- 1-2 NSBA Leadership Conference, Washington, D.C.
- 2-4 NSBA Federal Relations Network Conference, Washington, D.C.
- 20 GSBA Board of Directors Meeting, Lawrenceville
- 24 GSBA Board Ethics and Superintendent Relations, Cordele
- 25 GSBA Board Chair Workshop, Cordele

## GSBA eSolutions

— There are 55 school systems  
subscribing to eLaw  
— There are 42 school systems  
subscribing to GSBA ePolicy.  
— Currently, the following boards  
are using GSBA eBoard:

- GSBA Board of Directors
- GSBA Worker's  
Compensation/Risk Management  
Fund Board of Trustees
- DeKalb County BOE
- Talbot County BOE ▲

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