

# AGENDA

The Newsletter of the  
Georgia School Boards Association  
Volume 7, Number 4  
June 2002

*We Believe in Public Education*



## Conference Headed to Savannah

The Savannah Hyatt Regency will be swarming with school board members, superintendents and other educational leaders in a matter of days. Anyone who has not registered for the GSBA Summer Conference and Delegate Assembly can still do so by visiting GSBA's website. Walk-in registrations are welcomed, as well. (Registrations received after June 7 and all walk-ins will be an additional \$15.)

The GSBA website is a wealth of information on the conference and the pre-conference workshops. You can find the agendas for the New Board Member Orientation (NBMO), the Policy Workshop and the Communications Workshop online at [www.gsba.com](http://www.gsba.com). These workshops are approved by the state for annual training credit for school board members, which is mandated by law.

If you are just now registering, please be advised that the Hyatt is booked and you will have to make room reservations at another hotel. The "overflow" hotels and contact information are listed on page 12.

This issue also includes information on GSBA's Delegate Assembly, the annual business meeting of the association where legislative positions are adopted and officers are elected. ▲

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### Schedule At-a-Glance\*

<b>Wednesday, June 19, 2002</b>	
Noon	Registration for NBMO
1:00	NBMO Begins
5:30	NBMO Concludes First Day
<b>Thursday, June 20, 2002</b>	
8:00	NBMO Resumes Registration for Policy and Communications Workshops
9:00	Policy Workshop Communications Workshop
Noon	Lunch for All Workshops
1:00	All Workshops Resume
5:00	All Workshops Conclude
<b>Friday, June 21, 2002</b>	
8:00	Conference Registration Begins Voluntary Time of Inspiration (Harborside Room)
9:00	First General Session - William C. Boshier, Jr.
10:30	Second General Session - Walter Bond
Noon	Luncheon
1:15	Third General Session - Local School Councils
2:30	Delegate Assembly
2:30	Special Interest Clinics (for those not attending the Delegate Assembly)
4:30	Adjourn for the day
<b>Saturday, June 22, 2002</b>	
8:30	Final General Session Speakers: The Honorable Roy Barnes, Governor Ann White
10:30	Conference Adjourns

\* Schedule subject to change.



Governor Roy Barnes



Walter Bond



William C. Boshier, Jr.



Ann C. White

Keynote Speakers

## From the President...



Zenda Bowie  
GSBA President  
Fulton County Schools

Unbelievably, my year as GSBA president is coming to a close soon. At the GSBA Summer Conference and Delegate Assembly I will relinquish my title and settle nicely into a new one— PAST PRESIDENT! Seriously, though, the best part of serving in this capacity is the depth of understanding and knowledge that I have gained as a result.

Being so actively involved in GSBA has greatly enriched my role as a local school board member. It's incredible to realize all of the information that our association shares with its members on a daily basis through the GSBA website and other means of communication.

At the Summer Conference, the Delegate Assembly gives to each school board in Georgia a voice in the direction of GSBA's legislative positions and in the election of the association's officers. Please be sure to read the rules and procedures regarding the Delegate Assembly that appear on page four of this newsletter. It is very important that we remain mindful of these so that our meeting can be filled with productive dialogue and decisions on our legislative positions and other association business.

The process is only made stronger with increased participation. We want to have as many boards as possible review the legislative positions (posted on GSBA's website) and then appoint a delegate to attend the Delegate Assembly and represent that board's views. This process is largely responsible for the strength of GSBA's presence in the state.

Thank you for giving me the opportunity to serve GSBA. It has been an honor. I look forward to seeing many of you in Savannah. ▲



Governor Roy Barnes, front and center, presents the School Board Member Appreciation Week proclamation to GSBA President Zenda Bowie at the March 4 GSBA/GSSA Day at the Capitol. Also pictured are members of the boards of directors and legislative committees of GSBA and GSSA who met at the Capitol to hear updates on legislation.

## Association News

• Approximately 15,000 school board members and superintendents attended the NSBA Conference in New Orleans April 5-9. The following are some highlights of the conference as it pertains to Georgia:

— The GSBA Breakfast was a success with 280 Georgians attending. **Blue Bird Body Company** and **National Bus Sales** sponsored this event, which they have done for the past 40 years. GSBA greatly appreciates their contributions.

— Other sponsors that contributed to GSBA's participation at the conference were: **M.B. Kahn Construction Company, Facility Management Group, James W. Buckley Associates, Inc.,** and **E. R. Mitchell Construction Company.**

— GSBA President **Zenda Bowie**, President Elect **Brad Bryant** and Vice President **Deloras Moon** represented Georgia as delegates to the NSBA Delegate Assembly. GSBA Treasurer **Smith Pass** was the alternate delegate.

— A number of Georgians presented sessions at the conference.

"Community Collaboration for Safe Schools: A Virtual Reality Approach" was presented by **Clayton County Schools**. "Mentors Make a World of Difference" was presented by **Douglas County Schools**. **Forsyth County Schools** presented a session on using test data for school improvement. "Student Transition and Recovery Program for Success" was presented by **Wayne County Schools**. **Atlanta City Schools** presented "Yes, A Community Can Build a School." **Marietta City School** presented "ESchool Board Meeting: The Competitive Imperative." "Win Support for Schools by Engaging the Community in Your Building Program" was presented by **Fulton County Schools**. **Polk County Schools** presented "Teaching Teachers to Teach with Technology." GSBA Controller **Mark Willis** presented a session on Online Tools for Board Members. GSBA Executive Director **Sis Henry** presented "Is It Time for Your Annual Check Up? Maintaining a Healthy Board."

continued on page seven...

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**L A I D L A W**  
L A I D L A W EDUCATION SERVICES

**Georgia School Boards Association  
Annual Business Meeting of the Delegate Assembly  
Friday, June 21, 2002  
2:30 p.m.  
Official Business Session**

**Rules/Procedures**

1. The Delegate Assembly will consist of one voting member (delegate from each local board of education.) Other board members are welcome to attend and participate in the discussion of issues, but only the official delegate may make or second motions and vote.

2. The chairman of the Governmental Operations Committee will explain the role of the Committee and procedures that have been followed. The chairman will move the adoption section by section of the 2003 GSBA Legislative Positions (no second is required since the recommendation comes from the Governmental Operations Committee). Specific items may be pulled for a separate vote upon the request of a delegate from the floor. Delegates may propose amendments or changes in the recommendations of the Governmental Operations Committee by adhering to the rules and procedures outlined below. Additionally, at the conclusion of the consideration of the Governmental Operations Committee's recommendations in each section, delegates may introduce from the floor any proposed legislative position or amendment not previously considered by adhering to the following procedures.

A. The president will recognize any delegate who wishes to propose a new legislative position or amend an existing legislative position if the proposal has been presented in writing to the GSBA Registrar (located at the GSBA Registration Desk) no later than noon on June 21, 2002. Forms for submitting new proposals or amendments will be available at the GSBA Registration desk.

B. The chair will call for a second to the motion and discussion of the motion.

C. If the motion receives a majority vote of all delegates present and voting, the motion passes. In calling for a vote, the chair shall call for those voting for the motion, and those voting against the motion.

3. Resolutions will be voted on by the Assembly.

**Important Reminders**

- As there will not be a meeting of the Governmental Operations Committee during the Conference/Delegate Assembly, the only opportunity that members of the Delegate Assembly will have to propose new positions or amendments will be the Official Business Session at 2:30 p.m. on Friday in accordance with the procedures listed above.

- All motions must receive a majority vote of all certified delegates present and voting at the assembly in order to pass.

- Once recognized by the Chairman to speak, delegates are requested to give their name, and identify their local school system prior to addressing the assembly. Only certified delegates can make or second motions.

- All delegates **MUST** wear a delegate ribbon in order to be recognized from the floor of the assembly and be allowed to make a motion.

## From GSBA's Executive Director...



**Sis Henry**  
GSBA Executive  
Director

Although the 2002 Session of the Georgia General Assembly was the longest in decades, education legislation was not the culprit. The session proved to be filled with mixed blessings for public education in Georgia.

As for education related bills, two dominated the thoughts and actions of legislators— SB291 and HB1200. SB 291 makes certain requirements regarding student codes of conduct that specifically prescribe and govern student conduct and safety rules on school buses. (See page 8 in this newsletter for an article dealing with this bill.)

HB1200 significantly changes the Charter Schools Act of 1998. The changes impact the process by which boards move through the charter school petition process. A notable aspect is that local boards must provide the reasons behind denying a charter. The bill provides clarification and definition to certain language used in the 1998 bill. Also, among other changes, HB1200 makes provisions for a funding formula and further defines the role of a local board in administering a charter granted by the Georgia Board of Education. GSBA will be publishing a monograph on the “nuts and bolts” of charter schools. This material will be available to local school systems by the end of summer.

What at first seemed a simple task, a bill that allows local boards to pay the increased costs for health insurance for board members who are retired (HB1121) finally passed.

Legislators also passed a bill (SB472) that says that local boards must adopt a policy authorizing students with asthma to self-administer

asthma medications at school and carry their asthma medications with them while on school property.

Other bills of note include HB161, which provides that any visitor to a public school must check in at a location that is designated by signs. The bill defines visitor as someone who is not a student, school system employee, school board member, approved volunteer or someone not specifically invited to the school.

HB1068 calls for boards of education to bestow diplomas on Korean and Vietnam veterans, who did not graduate because their military service interrupted their coursework.

HB1312 gave Georgians a “sales tax holiday,” which is great for consumers, but costly to school systems that use a Special Purpose Local Option Sales Tax (SPLOST).

On the financial front, the 2002 session was not kind to any governmental entity. Public education gained funds through pay increases for teachers and other funds for testing, etc. On the other hand, public education lost funding through the elimination or reduction in funds for certain programs.

In all, this year's session was a relatively quiet one for public education. It's important to note, however, that on more than one occasion, GSBA called upon school board members to assist us by communicating directly with their legislators regarding certain bills. This close communication proved invaluable in helping us to influence the language used in certain bills. We greatly appreciate the efforts of every school board member who rallied behind our grass roots efforts.

This aspect of GSBA's legislative program can't be overstated. Building stronger relationships with legislators locally is vital if we are to work effectively with them at the state level. School board members need to communicate with their local legislators throughout the year and get them into schools.

Go to “Capitol Watch Online” on GSBA's website for contact information and a complete and thorough analysis of the 2002 Session of the Georgia General Assembly. ▲

## GSBA and GSSA Forge New Bonds

In April, GSBA held its first Superintendents Advisory Council meeting. The group was formed as a way for GSBA to build a closer relationship with the Georgia School Superintendents Association and its membership. The group will meet twice to discuss educational issues important to GSBA and GSSA. “The response from our first meeting was very positive,” said GSBA Executive Director Sis Henry. “It is vital that school board members and superintendents work together at the local level as well as the state level.” ▲

### GSBA Superintendents' Advisory Council

The following superintendents have agreed to serve on GSBA's inaugural Superintendents' Advisory Council.

Lynn Batten – Bulloch County  
Richard A. Brantley – Ware County  
Renee Brown – Taliaferro County  
Wendell Clamp – Newton County  
Stephen D. Dolinger – Fulton County  
Paula Gault – Forsyth County  
Ed J. Grisham – McDuffie County  
Beauford Hicks – Dooly County  
Lewis D. Holloway – Clarke County  
Mildred Howard – Clay County  
Bobby Jenkins – Randolph County  
Beth P. Kellerhals – Catoosa County  
Charles G. Larke – Richmond County  
Ida H. Love – Decatur City  
Allene H. Magill – Dalton City  
Roy D. Nichols, Jr. – Troup County  
Sharon M. Patterson – Bibb County  
Lula Mae Perry – Jeff Davis County  
John A. Phillips, Jr. – Bartow County  
Orval F. Porter – Habersham County  
Paul A. Shaw – White County  
Lee Shiver – Pickens County  
Bettye Ray – Stewart County  
J. Vann Sikes – Crisp County  
Trudy Sowar – Paulding County  
Hosie Waters – Macon County  
Herb Garrett – Executive Director of GSSA



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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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Bremen City  
Bulloch County  
Camden County  
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Cherokee County  
Cobb County  
Coffee County  
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Commerce City  
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Dawson County  
DeKalb County  
Dougherty County  
Elbert County  
Floyd County  
Franklin County  
Fulton County

Gainesville City  
Glascok County  
Gordon County  
Grady County  
Greene County  
Griffin-Spalding County  
Gwinnett County  
Habersham County  
Harris County  
Heard County  
Jackson County  
Jefferson City  
Jones County  
Lee County  
Lincoln County  
Lowndes County  
Lumpkin County  
Madison County  
Marion County  
McDuffie County  
Meriwether County  
Morgan County  
Newton County

Randolph County  
Richmond County  
Rockdale County  
Screven County  
Stephens County  
Tattnall County  
Taylor County  
Thomas County  
Thomaston-Upson County

Troup County  
Towns County  
Vidalia City  
Ware County  
Wayne County  
Washington 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.

Association News continued from page 2...

— One of the highlights of the NSBA Conference was the musical performance of the **Walton High School Chamber Orchestra** under the direction of **Perry Holbrook**. Walton High is in the Marietta City school system.  
— The **Walton County Board of Education** and Superintendent **Kathy Arnett** were presented with the 2002 Magna Award for their program "Linking Reading and Math to the Home."

•The following were selected to receive the NSBA Award for Distinguished Service. GSBA nominated these individuals for their outstanding commitment to public education through proven school board leadership. This year's recipients from Georgia were: **Michael Windom**, Dougherty County; **James Walker**, Muscogee County; **Marissa Jones**

**Lewis**, Wayne County; and **Smith Pass**, Coweta County.

•The NSBA Southern Region Conference will be held July 10-13, 2002 at the Adam's Mark Hotel in Daytona Beach, Florida. Stedman Graham, chairman and CEO of Stedman Graham Training and Development; and Pat Williams, senior executive vice president of the Orlando Magic/RDV Sports, the NBA Franchise in Orlando, are two of the scheduled keynote speakers. Call the Florida School Boards Association at 850-414-2578 for more information. The deadline for pre-registrations is June 28. All other registrations must be made on site at the conference. As a special note: GSBA will be hosting the 2003 Southern Region Conference July 16-19, 2003.

•On April 26, 2002, **Lorraine Johnson** of Arnall Middle School in Coweta County was named the 2003 Teacher of the Year. The other four finalists were: **Rebecca Curry** of St.

Mary's Elementary School in Camden County, **Janice Lucille Hudson** of Columbus High School in Muscogee County, **Margaret C. Sims** of Marietta High School in the Marietta City school system and **Rachel Tripp** of Roan School in the Dalton City school system.

•Two Georgia students, **Jarrett Horne** of Atlanta and **Brittany Hill** of Summerville, were honored in Washington D.C. May 5 for outstanding volunteer service to their communities during the presentation of the 2002 Prudential Spirit of Community Awards. The two students were honored along with more than 100 other top youth volunteers from across the country. ▲



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## Executive Session

By Harben & Hartley, LLP  
GSBA General Counsel

### School Buses, Student Violence and a New Role for Local Boards of Education

The 2002 Session of the General Assembly was relatively quiet with fewer-than-usual new laws affecting education being passed. The new Charter Schools Act (House Bill 1200) and Senate Bill 291 has drawn most of the attention of the education community. SB 291 was first introduced during the 2001 session and was strongly endorsed by the Lieutenant Governor; however, the House held the Bill because of many concerns expressed by some members of the legislature and lobbyists for various educational organizations, including GSBA. After a number of significant amendments that improved it considerably, Senate Bill 291 passed both houses this year and has been signed into law by Governor Barnes.

The sponsors of this legislation touted the Bill as a school bus discipline and safety act. It is much more than that. The Bill requires that student codes of conduct in all schools include specific and comprehensive provisions concerning student conduct on school buses. The Act amends the provisions of three sections of the Georgia Code – sections 20-2-751.4, 20-2-751.5 and 20-2-751.6 – by directing that student codes of conduct forbid acts of physical violence, assault or battery, verbal assault, disrespectful conduct toward the driver and other persons on the bus, bullying and other unruly behavior on the school bus, as well as at school. The 2001 session of the General Assembly enacted these three code sections to prohibit these behaviors at school; SB 291 simply extended the applicability of the mandatory code of conduct to the school bus as well. Additionally, this legislation

prohibits students from using various electronic devices on the bus, including cell phones, pagers, audible radios, tape or compact disc players without headphones, or “any other electronic device in a manner that might interfere with the school bus communications equipment or the school bus driver’s operation of the school bus.” Also prohibited are “mirrors, lasers, flash cameras, or any other lights or reflective devices in a manner that might interfere with the school bus driver’s operation of the school bus.” Progressive, age-appropriate discipline penalties and student behavior contracts for students riding the bus are required under the same circumstances as set out in the 2001 legislation for misconduct at school. Local boards of education are required to send to the State Board of Education a copy of their student codes of conduct that contains the items in this legislation by August 15, 2002, and the student handbook of each system must contain a copy or summary of the student code of conduct for that school.

The most significant provisions of SB 291 affect students who commit “acts of physical violence” against a teacher, school bus driver or other school employee. The Bill amends section 20-2-751.6 of the Georgia Code in several respects. First, the Bill defines the term “physical violence” by adopting the essential elements of the crime of “battery” as prescribed in the Georgia Criminal Code. A “battery” in the criminal code and “physical violence” as defined in SB 291 may be committed by either: (1) Intentionally making physical contact

of an insulting and provoking nature with the person of another; or (2) Intentionally making physical contact that causes physical harm to another unless such physical contact and/or physical harm were in defense of himself or herself, as provided in Code Section 16-3-21.” The Bill then further requires each school’s code of conduct to prescribe the penalties for these two categories of physical violence against any school employee. The discipline required for intentionally making physical contact of an insulting and provoking nature against a school employee is expulsion, long-term suspension or short-term suspension; presumably, the student may be assigned to alternative school as well. The discipline mandated for a student who intentionally makes physical contact causing physical harm to a school employee is permanent expulsion from school and referral to juvenile court “with a request for a petition alleging delinquent behavior.” In both cases, the discipline must be imposed by the

Continued on page ten...

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Continued from page eight...

board and not by a student discipline tribunal or hearing officer.

When a student is accused of physical violence of either type specified in the Act against a school employee, the student must be suspended until a hearing before a tribunal can be conducted. SB 291 requires the board to convene a tribunal for all cases in which a student is charged with an act of physical violence against a school employee, removing the board's option to use a hearing officer for this particular offense. The tribunal must determine "all issues of fact and intent" and "submit its findings and recommendations to the local school board for imposition of discipline. . . ." Presumably, the tribunal's role is to decide if the student committed an act of physical violence, determine whether he or she did so intentionally, note the existence of any relevant circumstances of which the board should be aware, and to recommend discipline consistent with SB 291.

The local board must review the findings and recommendations of the

tribunal and impose the required discipline. When a student has admitted an act of physical violence causing physical harm to a school employee (other than in self-defense), the board is obligated to permanently expel the student from school. However, the board has the discretion to modify permanent expulsion in three circumstances. First, the board may permit the student to attend an alternative education program for the entire period of the student's expulsion. Second, if the student is in kindergarten through grade eight, then the board "on the recommendation of the tribunal may permit such a student to re-enroll in the public school program for grades nine through twelve." If the board does not have an alternative school or an alternative education program for students in grades kindergarten through sixth, the board may permit a student in one of those grades who has committed an act of physical violence causing physical harm to a school employee to re-enroll in the public school system.

SB 291 specifically states that its provisions shall not be construed "to

infringe on any right provided to students with individualized education programs pursuant to the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal Americans with Disabilities Act of 1990."

Board members may find it particularly interesting that SB 291 does not define the term "physical harm" in the section of the law prohibiting a student from intentionally making physical contact that causes "physical harm" to a school employee. Similarly, the General Assembly did not define "physical harm" in the crime of battery, on which SB 291 is based. In several cases involving convictions for simple battery, the Georgia Court of Appeals held that it is not necessary that a victim of simple battery suffer great physical harm. Rather, the infliction of pain sufficiently constitutes "physical harm." In one case, *Mize v. the State*, the Court of Appeals held that when the defendant grabbed the victim's side and squeezed her firmly, sufficient pain could be presumed to have occurred to satisfy the "physical harm" requirement for simple battery. Similarly, a student disciplinary tribunal may find that a student has committed an act of physical violence if that student has inflicted pain on a school employee. Physical harm may be presumed if the victim experienced pain from the intentional physical contact by a student.

SB 291 poses several procedural issues for a local board of education due to the requirement that the board, and not a tribunal, must impose punishment following a tribunal determination that a student is guilty of physical violence against a school employee. For example, as board members well know, a principal may suspend a student for only ten days. If the offense committed merits long-term suspension or expulsion, the principal typically refers the matter to tribunal during that ten-day period. This practice prevents the student from returning to school until the tribunal considers whether the student committed the offense with which he or she is charged.

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## Staff Listing

**Jeannie M. (Sis) Henry**, Executive Director - shenry@gsba.com

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Under SB 291, in cases of physical violence toward a school employee, the tribunal cannot impose discipline, but instead must make findings of fact, intent, and recommendations to the local board.

Should the tribunal recommend long-term suspension or expulsion, depending upon the nature of the alleged physical violence, must the board meet within the same ten-day period to determine the discipline to be imposed? We believe a tribunal may require the student to remain out of school pending board action. However, the board should meet as soon as is reasonably possible in such cases, particularly when the board must determine whether alternative school placement is appropriate or, in the case of students in grades kinder-

garten through six in districts without an alternative school serving those grades, whether to permit the student to return to school.

As board members also know, a student or the student's parents may appeal the decision of a tribunal to the board. SB 291 is not clear as to whether the board must impose discipline before the parents decide whether to file an appeal from the findings of the tribunal as to the specific facts and intent of the student. It may be desirable for the board to consider all issues that the parent wishes to raise, including the findings of fact as well as the discipline to be imposed, at one time. The board will certainly want to consider these facts in deciding whether the student may be permitted to attend the alternative school or otherwise what discipline

may be appropriate under the circumstances.

The board also needs to review its current policies and student codes of conduct in order to make necessary modifications required by SB 291. We encourage school administrators to ensure that all students and parents are placed on notice as to the consequences for physical violence against school employees. This Act is another example of the General Assembly enacting "zero tolerance" laws that limit local school boards and administrators in the operation of our schools. School employees, school administrators, tribunals and local boards must enforce this legislation with a great deal of common sense. ▲

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## Publication Policy

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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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## Mark the Dates

### GEORGIA SCHOOL BOARDS ASSOCIATION CALENDAR

#### June 2002:

- 13 Georgia Board of Education Meeting, Twin Towers, Atlanta
- 19-20 GSBA New Board Member Orientation, Savannah, GA
- 20 GSBA Communications Workshop, Savannah, GA
- 20 GSBA Policy Workshop, Savannah, GA
- 20 GSBA Board of Directors Budget Meeting, Savannah, GA
- 21-22 GSBA Summer Conference and Delegate Assembly, Savannah, GA
- 22 GSBA Board of Directors Organizational Meeting, Savannah, GA

#### July 2002

- 10-13 NSBA Southern Region Conference, Daytona Beach, FL
- 11 Georgia Board of Education Meeting, Twin Towers, Atlanta
- 21-24 GAEL Summer Conference, Jekyll Island Convention Center

## Superintendent Searches

GSBA is currently conducting superintendent searches for the Laurens County Board of Education (Dublin, Georgia) and the Pulaski County Board of Education (Hawkinsville, Georgia). The application deadline for Laurens County is June 10, 2002, and for Pulaski County it is June 28, 2002. For details on this vital service offered by GSBA, contact Don Rooks, GSBA's Legislative Specialist. You can reach him at: drooks@gsba.com. ▲

## Online Policy Manuals

GSBA's Online Policy Manual Service continues to prove popular with school boards. There are 17 online manual projects in the works and three hard copy manual revision projects in the works. For details on GSBA's policy manual services go to [www.gsba.com](http://www.gsba.com) or call GSBA at 770-962-2985 or 1-800-226-1856. ▲

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