

Senate Bill 588

By: Senators Miller of the 49th, Albers of the 56th, Anavitarte of the 31st, Dixon of the 45th
and Harbin of the 16th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to local boards of education, so as to provide that all meetings of local boards of
3 education shall be open to the public except as otherwise provided by law; to provide that
4 members of the public shall not be removed from such public meetings except for actual
5 disruption and in accordance with rules adopted and published by the local board of
6 education; to provide that visual and sound recording shall be permitted at such public
7 meetings; to provide for the authority of superior courts to enforce compliance and award
8 relief; to provide for attorneys' fees; to provide for construction; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local
13 boards of education, is amended in Code Section 20-2-58, relating to regular monthly
14 meetings of local boards of education, adjournment, temporary presiding officer, notice of
15 date, template for financial review, and public comment period, by revising subsection (c)
16 as follows:

S. B. 588

- 1 -

17 “(c)(1) Except as otherwise provided by law, all meetings of a local board of education
18 shall be open to the public. The public at all times shall be afforded access to such public
19 meetings. No member of the public shall be removed from a public meeting of a local
20 board of education except for actual disruption of the proceedings and in accordance with
21 the rules of conduct for meetings open to the public adopted and published by the local
22 board of education.

23 (2) Visual and sound recording shall be permitted at all meetings of a local board of
24 education that are open to the public.

25 (3) Each local board of education shall provide a public comment period during every
26 regular monthly meeting provided for in subsection (a) of this Code section. Such public
27 comment period shall be included on the agenda required to be made available and posted
28 prior to the meeting pursuant to paragraph (1) of subsection (e) of Code Section 50-14-1.
29 A local board of education shall not require notice by an individual more than 24 hours
30 prior to the meeting as a condition of addressing the local board during such public
31 comment period. The chairperson of the local board of education shall have the
32 discretion to limit the length of time for individual comments and the number of
33 individuals speaking for or against a specific issue.

34 (4) The superior courts of this state shall have jurisdiction to enforce compliance with
35 the provisions of this subsection, including the power to grant injunctions or other
36 equitable relief. In any action brought to enforce the provisions of this subsection in
37 which the court determines that a local board of education acted without substantial
38 justification in not complying with this subsection, the court shall, unless it finds that
39 special circumstances exist, assess in favor of the complaining party reasonable attorney's
40 fees and other litigation costs reasonably incurred. Whether the position of the
41 complaining party was substantially justified shall be determined on the basis of the
42 record as a whole which is made in the proceeding for which fees and other expenses are
43 sought.

46 **SECTION 2.**
47 All laws and parts of laws in conflict with this Act are repealed.

SECTION 2.

47 All laws and parts of laws in conflict with this Act are repealed.