

9-1-1994

EDUCATION Elementary, Secondary, and Adult Education: Provide for Fingerprinting and Criminal Record Checks of Prospective Education; Provide for Sanctions Against Students for Damage to State-Provided Class Materials; Provide for Voting Requirement for School Boards

Josie Redwine

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

Recommended Citation

Josie Redwine, *EDUCATION Elementary, Secondary, and Adult Education: Provide for Fingerprinting and Criminal Record Checks of Prospective Education; Provide for Sanctions Against Students for Damage to State-Provided Class Materials; Provide for Voting Requirement for School Boards*, 11 GA. ST. U. L. REV. (1994).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol11/iss1/29>

EDUCATION

*Elementary, Secondary, and Adult Education: Provide for
Fingerprinting and Criminal Record Checks of Prospective Educators;
Provide for Sanctions Against Students for Damage to State-Provided
Class Materials; Provide for Voting Requirement for School Boards*

CODE SECTIONS: O.C.G.A. §§ 20-2-57, -211, -1013 (amended)
BILL NUMBER: SB 526
ACT NUMBER: 625
SUMMARY: The Act provides for fingerprinting and criminal record checks of persons to be employed as teachers or principals in the state school system. The Act further provides sanctions against pupils who fail or refuse to pay for lost or damaged textbooks, library books or media materials which are the property of the State. Finally, the Act specifies the number of members of local boards of education required to vote to take certain actions.
EFFECTIVE DATE: July 1, 1994

History

With at least 1500 confirmed molestations each year, child sexual abuse remains a significant and growing problem in Georgia.¹ Pedophiles typically gravitate toward positions such as teachers, scout leaders, coaches, or church youth workers because they provide access to children.² The conviction of Eliot Wigginton for molesting a ten-year-old boy drew statewide attention to the problem of abuse within the schools.³

SB 526

The Act amends Code section 20-2-211 by adding a new subsection which requires any prospective teacher, principal, or other certified

1. Jane Hansen, *Male Teachers Learn New Code of Conduct*, ATLANTA CONST., Sept. 19, 1992, at B1.

2. *Id.*

3. John Harmon, *Wigginton Free, Begins 19 Years' Probation, Served One Year for Molesting Boy*, ATLANTA CONST., Nov. 13, 1993, at C8. Eliot Wigginton, founder of the Foxfire Fund, is one of the State's best-known public educators. He was sentenced to one-year imprisonment and nineteen years probation for molesting a ten-year-old boy. *Id.*

professional personnel within the state school system to submit to fingerprinting and criminal record checks prior to entering an employment contract.⁴ The intent of the amendment is to prevent child molestation and abuse by teachers.⁵ The fingerprinting and record checks were intended to serve as "roadblocks" to would-be child molesters applying for teaching positions within the Georgia public education system.⁶

This provision of the bill passed as introduced with the exception of two House revisions.⁷ The first allows local officials to enter into temporary contracts of up to 120 days while awaiting the results of the record checks.⁸ In drafting this provision, the General Assembly attempted to address concerns that qualified and capable teachers with alternative job offers might not be willing to wait while these record checks were completed.⁹ The second revision leaves payment of fees relating to the record checks to the discretion of the local school boards.¹⁰ Under the Act, fees required by the Georgia Crime Information Center, the National Crime Information Center, the Federal Bureau of Investigation, or the United States Department of Justice may be paid by the school board or by the particular applicant.¹¹ Both revisions were proposed and passed in the interest of fairness to the applicant and were included in the final version of the bill.¹²

The House added two provisions to the bill by floor amendment prior to its passage. First, the House amended Code section 20-2-1013 which relates to the educational materials provided by the State to public school students.¹³ Prior to this Act, the Georgia State Board of Education was authorized to administer only free *textbooks* for the public schools.¹⁴ The House amendment expanded the category of materials covered to include "all textbooks, library books, and media materials,"¹⁵ and provided for sanctions against pupils who fail or refuse to pay for lost or damaged materials.¹⁶

4. O.C.G.A. § 20-2-211(e) (Supp. 1994).

5. Telephone Interview with Sen. Don Cheeks, Senate District No. 23 (Apr. 8, 1994) [hereinafter Cheeks Interview].

6. *Id.*

7. See SB 526 (HFAFS), 1994 Ga. Gen. Assem.

8. O.C.G.A. § 20-2-211(e)(1) (Supp. 1994).

9. Cheeks Interview, *supra* note 5.

10. O.C.G.A. § 20-2-211(e)(3) (Supp. 1994).

11. *Id.*

12. Cheeks Interview, *supra* note 5; see O.C.G.A. § 20-2-211(e)(1), (3) (Supp. 1994).

13. SB 526 (HFAFS), 1994 Ga. Gen. Assem.

14. 1937 Ga. Laws 896 (codified at O.C.G.A. § 20-2-1011 (1992)).

15. O.C.G.A. § 20-2-1013(b) (Supp. 1994).

16. *Id.* Sanctions include refusal to issue any additional materials and withholding of grades and diplomas until restitution is made. *Id.* A similar amendment was first

The second provision added by the House amended Code section 20-2-57.¹⁷ Code section 20-2-57 previously required the presence of a majority of the members of a local school board to constitute a quorum.¹⁸ Concerns of the General Assembly that unscrupulous transactions might occur in "closed session" meetings prompted revision of this statute.¹⁹ For the transactions of any board business, the Act requires a quorum and a majority vote of those present.²⁰ Furthermore, the Act provides that any action taken by less than a majority of the board may be rescinded by a majority of the board members.²¹

Josie Redwine

introduced and passed in the 1993 Georgia General Assembly, but was ultimately vetoed by the Governor, because he found a sanction which allowed school boards to drop a pupil's grade point average one point unfair. Cheeks Interview, *supra* note 5. Therefore, when introduced by the House in the 1994 session, the proposed amendment dropped the section providing for a one point grade point average reduction. *Id.* The House also included a provision allowing local school boards to deny pupils free educational materials if pupils damage or lose the materials "through willful intent or neglect." SB 526 (HFAFS), 1994 Ga. Gen. Assem. The House floor amendment passed in its entirety and was included in the final version of the bill. See O.C.G.A. § 20-2-1013(b) (Supp. 1994).

17. SB 526 (HFAFS), 1994 Ga. Gen. Assem.

18. O.C.G.A. § 20-2-57 (1992).

19. Cheeks Interview, *supra* note 5.

20. O.C.G.A. § 20-2-57(a) (Supp. 1994). This provision of the Act attempts to eliminate unscrupulous transactions in "closed session" meetings. Cheeks Interview, *supra* note 5 For example, a school board with seven members could call a meeting of four of its members without notifying others. *Id.* A vote passed by three of the four under the current statute would constitute a majority of the quorum, although not a majority of the board. *Id.* Absent the provisions of the Act, the dissenting members who were in the majority would have no recourse. *Id.* The Act addresses and eliminates that possibility. *Id.*; see O.C.G.A. § 20-2-57(a) (Supp. 1994).

21. O.C.G.A. § 20-2-57(a) (Supp. 1994).