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

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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

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1. Jane Hansen, Male Teachers Learn New Code of Conduct, ATLANTA CONST.,
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. The intent of the amendment is to prevent child molestation and abuse by teachers. 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.

This provision of the bill passed as introduced with the exception of two House revisions. The first allows local officials to enter into temporary contracts of up to 120 days while awaiting the results of the record checks. 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. The second revision leaves payment of fees relating to the record checks to the discretion of the local school boards. 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. Both revisions were proposed and passed in the interest of fairness to the applicant and were included in the final version of the bill.

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. Prior to this Act, the Georgia State Board of Education was authorized to administer only free textbooks for the public schools. The House amendment expanded the category of materials covered to include “all textbooks, library books, and media materials,” and provided for sanctions against pupils who fail or refuse to pay for lost or damaged materials.

5. Telephone Interview with Sen. Don Cheeks, Senate District No. 23 (Apr. 8, 1994) [hereinafter Cheeks Interview].
6. Id.
9. Cheeks Interview, supra note 5.
11. Id.
12. Cheeks Interview, supra note 5; see O.C.G.A. § 20-2-211(e)(1), (3) (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. Code section 20-2-57 previously required the presence of a majority of the members of a local school board to constitute a quorum. Concerns of the General Assembly that unscrupulous transactions might occur in “closed session” meetings prompted revision of this statute. For the transactions of any board business, the Act requires a quorum and a majority vote of those present. 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.

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