

MUSCOGEE COUNTY SCHOOL DISTRICT
COLUMBUS, GEORGIA

CALLED BOARD OF EDUCATION MEETING
BRADLEY LIBRARY CONFERENCE ROOM
THURSDAY, AUGUST 3, 2006, 4:00 P.M.

MINUTES

A called meeting of the Muscogee County Board of Education was held on Thursday, August 3, 2006 at 4:00 p.m. in the conference room at the Bradley Library.

The following Board members were present: Mary Sue Polleys, Chairman, John Wells, Patricia Hugley Green, Naomi Buckner, Philip T. Schley, and Fife Whiteside. Board Members Walker, Storey and Roberson were absent.

Others present: John A. Phillips, Jr., Superintendent of Education, Greg S. Ellington, Legal Counsel, Sarah Hart, Legal Counsel, Robin Pennock, Deputy Superintendent, Myles Caggins, Chief Facilities Officers, Sheriff Ralph Johnson, Lt. Massey, Sheriff's Department, Clifton Fay, City Attorney and Jamie DeLoach, Assistant City Attorney.

Dr. Polleys called the meeting to order. She stated that the purpose of the meeting was for the Board to discuss and consider House Bill 1059 – Sex Offender Bus Stop Law.

Dr. Phillips stated, "H.B. 1059 took affect July 1, 2006. The Bill amended Georgia's Sex Offender's registration law to add among other things bus stops to the list of places where children congregate and next the controversy surrounding the law stems from the fact that the legislature defines bus stops in the law as being designated by School Boards. In the past it's always been designated administratively. The law was immediately challenged by Civil Rights groups for several reasons. One, the sheer number and involving nature of bus stops makes the law vague and hard to enforce. Two, a thousand feet from a church, school, bus stop, mall, pool, skating rink, neighborhood center, park, there's essentially no where for registered sex offenders to live or work. Next, a federal judge reviewed the law and issued an order on July 25, 2006. He didn't get to the constitutionality of the question about the law because of the bus stop issue. Bus stops according to this law are designated by School Boards. Georgia School Systems allow transportation departments to designate bus stops not School Boards, historically. For the purpose of this definition of a bus stop there were no bus stops in Georgia. In this order the judge made it clear that School Boards are under no order to designate bus stops, in fact his order discourages this. Later that same date on July 25th Columbia County School Board passed a resolution designating the bus stops in Columbia County. The Columbia County's intent was that if bus stops were designated by School Boards as Judge Cooper's order stated their sheriff's department then would be able to enforce the law however, just three days later, July 28th the sheriff in Columbia County consented to a court order that enjoined him to from taking any action to enforce the law even though the bus stops in Columbia County were designated officially by the School Board there. More importantly, then on July 28th the judge also created a class action law suit that includes every registered sex offender in Georgia including those here in Muscogee County. This class action means that if we designate bus stops here and Sheriff Johnson takes any action to enforce the law, he can immediately be called into court in Rome, Georgia as part of a pending litigation. This is because the registered sex offenders in Muscogee County are already considered to be plaintiffs in the on-going suit in Rome. It's important to note that the Columbia County

Board of Education is holding a called meeting today to discuss rescinding the resolution that designated bus stops. It is the only school district out of (181) school districts that have taken such action. At this stage, we believe that it's prudent for the Muscogee County School District and the Sheriff's Department to monitor the legal actions that have been taken in federal court in northern Georgia. Whether this new law is enforceable or indeed unconstitutional will be decided in an action that is already pending and on-going by the courts. Though neither the law nor the judges' order, again any requirements that any board of education designate these bus stops and in fact even again discourages this, Columbia County Board of Education did go forward and officially designate these stops. When that step was taken again, they were enjoined from doing so. What we're basically saying to you is that we have worked diligently with the Sheriff's Department, we've stayed on top of the legal issues with our own attorneys, they have done a very thorough job not only locally here. We have included other attorneys at the State level who work with Georgia School Board Associations and also who represent in some cases at least a third or half of the school districts in Georgia. It's clear that the best avenue to take at this particular time is to be cautious but we want to make sure that they enunciate that we have the safety of our children paramount in our minds and we consider that to be our number one priority is safety. At the same time we need to be prudent in light of the court orders that have already been filed and ordered by the federal court. The Muscogee County School District and the Sheriff's Department are in agreement that we will continue to communicate with each other and together closely monitor the case in the northern district of Georgia. Muscogee County School District is maintaining a current list of all the regular education bus stops throughout the county. If something should change with respect to the on-going litigation we and the Sheriff's Department are prepared to quickly react to take any steps necessary in accordance with the law."

Sheriff Johnson, "The legal mines are at work on this with the school district and those representing me. This is a tough piece of legislation. We are left to deal with it and if you choose to designate a list then I will deal with that. We are moving ahead. We're compiling our data of churches, playgrounds anywhere children congregate and of course the bus stops. We're looking a program that should be on-line pretty soon. You can put in your address, zip code and see if there is a registered sex offender near you. If one has moved into your area based on what we put in the computer, it will alert your computer if one has moved into your neighborhood."

Mrs. Green, "When will that be available?"

Sheriff Johnson, "We're working on it and it should be soon."

Mrs. Green, "Will we have a link on our web site for that data?"

Dr. Phillips, "Yes we can add a link for the Sheriff's data."

Dr. Polleys, “One of the reasons that I felt we should talk about this is that we should get the reaction from all board members. I was curious though as to why no other of the 181 systems had done this. Someone from GSBA called me the other day and said that they were monitoring the issue and wanted to confirm that we haven’t voted on this and I told them that we haven’t because this has been an administrative issue. I should have said that Greg Ellington and Sarah Hart had been in contact with Clifton Fay and Jamie DeLoach of the City Attorney’s office. When I realized it was more complex than I first understood, I felt that a majority of the Board ought to make the decision to do nothing or exactly what we are doing.”

Mr. Wells, “I heard the Superintendent say something about the legislation that Judge Cooper was discouraging doing anything. Does he have power in Muscogee County?”

Mr. Ellington, “He has parallel power with the judge here. That’s the important fact that the same day that Judge Cooper enjoined the Columbia County Sheriff’s office, he also certified a class of plaintiffs throughout the state. The best reason you can come up with that he did this was so that he, Judge Cooper retains the jurisdiction to decide this throughout the state. Judge Cooper now has the discretion to decide it for the State.”

Dr. Phillips, “The action that we take is not going to allow the Sheriff to enforce the law.”

Sheriff Johnson, “There’s a pretty huge difference in Columbia County and Muscogee County. They’ve got 37 registered sex offenders and there are 227 sex offenders registered in Muscogee County.”

Dr. Phillips, “We have about 2,100 bus tops.”

Mr. Whiteside, “Is there anywhere in Muscogee County that those folks could live if they had to live within a 1,000 feet of a stop?”

Lt. Massey, “There are several trailer parks on the south end of town and there are several apartment complexes up on the north end of town and throughout the northwest region.”

Ms. Buckner, “Those places that you identified are there any bus stops, parks, churches?”

Lt. Massey, “There’s more than a 1,000 feet within those areas.”

Sheriff Johnson, “I think we’re going to push for some legislation next year of some classification for sex offender. You have your predators and your pedophiles and they give these sympathetic stories in court.”

Dr. Polleys, “There is no motion. I note that it is the consensus of the Board not to take any action and to stay in contact with the City Attorney and the Sheriff’s Department on this matter and proceed accordingly.”

Upon motion of Mr. Wells, seconded by Ms. Buckner, the Board adjourned the called meeting.