

Dear Project Director,

In the 2018-2019 school year, Bright from the Start: Georgia Department of Early Care and Learning (DECAL) informed Georgia's Pre-K Programs with the legal name listed as Board of Education of a federal law concerning agreements, contracts, and grants. The School District is the correct legal entity which enters into agreements. The Board is the governing body for the School District. Pursuant to the Doctrine of Sovereign Immunity, a board of education, unlike the school district which it manages, is not a body corporate and does not have the capacity to sue or be sued and is therefore incapable of being a party to a grant agreement. Cook v. Colquitt County Bd. Of Ed., 261 Ga. 841 (412 S.E.2d 828) 1999; Tidwell v. Coweta County Bd. Of Educ., 240 Ga. App. 55 (521 S.E.2d 889) 1999; Fann v. Johnson County Bd. Of Educ., 270 Ga. App. 186 (606 S.E.2d 110) 2004; and Brown v. Penland Const. Co., 276 Ga. App. 522 (623 S.E.2d 717) 2005. Only if the legislature in creating the Board expressly gave it the power to sue or be sued is there an exception. Id.

To be compliant with the law, grant agreements must reflect the legal name of the School District. Programs with the legal name listed as Board of Education were provided two options to be compliant in the 2019-2020 school year:

- **Option 1:** Submit the *Delegation of Authority from School District to Board of Education* form to DECAL to delegate the management of Georgia's Pre-K and receipt of Pre-K payments from the School District to the Board of Education.
- **Option 2:** Submit the *Change Addendum Form for Contract Signatory* and required documents to DECAL to change the legal name on the grant agreement from Board of Education to that of the School District.

You are receiving this email because your program selected Option 1. Programs choosing Option 1 are required to complete the Delegation of Authority process annually.

To complete the Delegation of Authority process for the 2022-2023 school year, review the responses below and select the appropriate one for your Georgia's Pre-K Program.

There are no changes to the *Delegation of Authority from School District to Board of Education* form my program submitted to DECAL for the 2019-2020 school year. Each party that signed the Delegation of Authority form is expressly authorized to execute it and bind such parties to its terms in the 2022-2023 school year.

Program Legal Name:

Project Director Name:

Project Director Signature

Date

If there are no changes, scan page 1 to PreK@decals.ga.gov by April 30, 2022.

Changes have occurred since my program submitted the *Delegation of Authority from School District to Board of Education* form to DECAL for the 2019-2020 school year.

If there are changes to the *Delegation of Authority from School District to Board of Education* form, choose one of the following options below to complete the Delegation of Authority process for the 2022-2023 school year.

Option 1

Complete the *Delegation of Authority from School District to Board of Education* form. This form should be completed if the School District wishes to delegate the management of Georgia's Pre-K and receipt of Pre-K payments to the Board of Education. **This option requires that a delegation of authority be completed annually for each grant agreement issued.**

Option 2

Complete the *Change Addendum Form for Contract Signatory*. This form should be completed if the School District wishes to manage Georgia's Pre-K and receive Pre-K payments. If this option is selected, the School District must submit the following to DECAL:

- Vendor Management Form
- Request for Taxpayer Identification Number and Certification (W-9)
- Online Access Agreement for PANDA (Pre-K Application and Database Access) System

This option will not require annual submission of documents. Once documents are submitted, programs will not submit them again.

Select Option 1 or Option 2 for your Pre-K program and submit the appropriate form(s) to Bright from the Start by April 30, 2022. All of the forms are available at <http://dec.al.ga.gov/Prek/OwnershipChangeRequest.aspx>.

Scan the *Delegation of Authority from School District to Board of Education* form for Option 1 to PreK@dec.al.ga.gov

Mail documents for Option 2 to:

Bright from the Start

2 Martin Luther King Jr. Drive, SE

Suite 754, East Tower

Atlanta, Georgia 30334

Attention: Pre-K Delegation of Authority

A Grant Agreement cannot be executed for the 2022-2023 school year until the program has selected an option and submitted the required documents.

If you have questions about the option your program selected for the 2019-2020 school year or questions about the required documents for Option 2, email PreK@dec.al.ga.gov.

If you need consultation regarding which option to select, please consult with your school district's legal counsel. For questions concerning the *Delegation of Authority from School District to Board of Education* form or documents relating to the form, contact Alethea Cicero-Brown, Legal Officer, at 404-670-5418 or alethea.cicero-brown@dec.al.ga.gov.