

House Bill 1535

By: Representative Ashe of the 42nd, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to authorize the State Board of Education to grant
3 a waiver from specifically identified state rules, regulations, policies, and procedures, or from
4 provisions of Chapter 2 of Title 20 of the Official Code of Georgia Annotated to improve
5 student performance in certain circumstances; to provide that specified laws, rules,
6 regulations, policies, and procedures are not subject to waiver; to provide for the contents of
7 the application for waiver; to provide for maximum duration of a waiver; to provide for
8 reports; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
12 secondary education, is amended in Part 8 of Article 6, relating to the State Board of
13 Education, by inserting the following:

14 "20-2-244.

15 (a) The State Board of Education is authorized to waive specifically identified state rules,
16 regulations, policies, and procedures, or provisions of this chapter, upon the request of a
17 local school board and in accordance with this Code section. The goal for each waiver shall
18 be improvement of student performance.

19 (b) The State Board of Education is not authorized to waive any federal, state, and local
20 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection
21 of the physical health and safety of school students, employees, and visitors; conflicting
22 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful
23 conduct in or near a public school; or any reporting requirements pursuant to Code Section
24 20-2-320 or Chapter 14 of this title. A school or school system that has received a waiver
25 shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the
26 requirement that it shall not charge tuition or fees to its students except as may be

1 authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment
2 in the same manner as before the waiver request.

3 (c) The provisions of this Code section shall not apply to charter schools.

4 (d) The board shall require a written application for a waiver that shall include, as a
5 minimum:

6 (1) Identification of the specific state rules, regulations, policies, and procedures, or
7 provisions of this chapter that are requested for waiver;

8 (2) A description of the policies and procedures the school or school system shall
9 substitute for the waived state rules, regulations, policies, and procedures, or provisions;

10 (3) A description of how the proposed waiver will improve student performance;

11 (4) A description of the students who will be affected by the proposed waiver, including
12 their estimated number, current performance, grade level, and any common demographic
13 traits;

14 (5) A list of schools by name that will be affected by the proposed waiver, and a
15 description of each school, including current performance, grade levels, and demographic
16 traits of the students of each such school;

17 (6) Methods for collection of data, and for measuring and evaluating any change in
18 student performance resulting from the proposed waiver;

19 (7) The period of time for which the proposed waiver is requested and the proposed
20 starting date; and

21 (8) A resolution from the local school board approving the waiver request.

22 (e) The State Board of Education may grant or deny a waiver request, or grant a waiver
23 request subject to specified modifications in the waiver request.

24 (f) A waiver may be granted in accordance with this Code section for any period of time
25 not to exceed five years. The State Board of Education shall require reports regarding the
26 effect of the waiver at least annually, and may require more frequent reports if necessary
27 to monitor the effect of the waiver effectively. The State Board of Education shall report
28 annually to the General Assembly regarding the waivers granted, the effect of each waiver,
29 and any recommendations for legislative changes generated by successful waivers."

30 SECTION 2.

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