

House Bill 1209 (COMMITTEE SUBSTITUTE)

By: Representatives Coleman of the 97<sup>th</sup>, Golick of the 34<sup>th</sup>, Smith of the 129<sup>th</sup>, Cole of the 125<sup>th</sup>, Maxwell of the 17<sup>th</sup>, and others

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 provide that a local school system may enter  
3 into a contract with the State Board of Education for increased flexibility; to require all local  
4 school systems to develop a five-year strategic plan; to provide for public input; to provide  
5 for peer review teams; to provide for approval of strategic plans; to provide for contract  
6 requirements; to provide for accountability, flexibility, and consequences components of the  
7 contract; to provide for certain laws which may be waived; to provide for loss of governance  
8 consequences; to provide for duties of the Office of Student Achievement with respect to  
9 such strategic plans; to provide for a phased-in implementation; to provide for exceptions for  
10 charter systems; to provide for rules, regulations, and guidelines; to change certain provisions  
11 relating to appointment of local school superintendents; to change certain provisions relating  
12 to waivers to improve student performance; to provide for related matters; to repeal  
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
17 secondary education, is amended by adding a new Article 4, which is reserved, to read as  
18 follows:

19 "ARTICLE 4

20 20-2-80.

21 (a) A local school system may request increased flexibility from certain state laws, rules,  
22 and regulations in exchange for increased accountability and defined consequences through  
23 a contract with the State Board of Education. Such contract shall be based on a strategic

1 plan which will establish a framework of accountability, flexibility, and consequences in  
2 accordance with this article.

3 (b) A local school system may elect not to request increased flexibility in exchange for  
4 increased accountability and defined consequences and opt to remain under all current  
5 laws, rules, regulations, policies, and procedures but shall still be required to comply with  
6 the requirements contained in Code Section 20-2-81 and 20-2-82.

7 20-2-81.

8 (a) Each local school system shall develop a five-year strategic plan which sets out the  
9 school system's vision and mission for improving the performance of its schools. The  
10 strategic plan shall clearly delineate:

11 (1) Current performance data, grade levels, and demographic data for each school within  
12 the school system;

13 (2) Performance goals for each school, including both improvement and achievement;  
14 and

15 (3) Performance measures and benchmarks for each school for evaluating improvement  
16 and achievement and monitoring progress toward yearly performance goals.

17 The Office of Student Achievement shall submit recommendations on minimum  
18 performance measures and benchmarks for evaluating improvement and achievement and  
19 monitoring progress toward yearly performance goals to a local board of education which  
20 is in the development of its strategic plan.

21 (b) The proposed strategic plan shall incorporate, to the extent practicable, school  
22 improvement plans in effect for schools in the local school system.

23 (c) The department shall provide an electronic template accessible through the Internet for  
24 local school systems to input their strategic plans. The template shall be designed to  
25 include the information contained in subsection (a) of this Code section.

26 (d) Prior to the submission of a proposed strategic plan to the department, a local board of  
27 education shall schedule and hold a public hearing for the purpose of providing an  
28 opportunity for full discussion and public input on the strategic plan, including formal,  
29 written comments or suggestions regarding the local school system's flexibility requests  
30 and performance goals and the strategic plan's impact on each school. The public hearing  
31 shall be advertised in a local newspaper of general circulation which shall be the same  
32 newspaper in which other legal announcements of the local board of education are  
33 advertised.

34 (e) The local school system shall submit the proposed strategic plan to the department in  
35 accordance with time frames established by the department. The department shall review  
36 the proposed strategic plan for adherence to the requirements of this article.

- 1 (f) The department shall appoint a peer review team to be assigned to the local school  
2 system to work with them on perfecting their proposed strategic plan.
- 3 (g) The peer review team shall be appointed by the department and shall be composed of  
4 three to five members which may include:
- 5 (1) A local school superintendent;
  - 6 (2) A High Performance Principal, as designated pursuant to Code Section 20-2-214.1;
  - 7 (3) A school finance expert;
  - 8 (4) A business or parent representative;
  - 9 (5) A system curriculum director;
  - 10 (6) A department staff member;
  - 11 (7) A teacher, with preference for a Master Teacher; or
  - 12 (8) Members with other relevant qualifications, as determined by the department.
- 13 (h) The chairperson of such peer review team, as designated by the department, and  
14 department staff shall have an initial meeting to review the proposed strategic plan and to  
15 discuss department recommendations, requirements, and guidelines. The department shall  
16 distribute an electronic copy of the proposed strategic plan to the members of the peer  
17 review team. The department shall provide training for the members of the peer review  
18 team relating to their duties and responsibilities as well as department requirements and  
19 guidelines for strategic plans.
- 20 (i) The chairperson of such peer review team shall have an initial meeting with the local  
21 school superintendent of the school system which submitted the proposed strategic plan to  
22 discuss the process and procedures which shall be used to review and revise such strategic  
23 plan.
- 24 (j) Such peer review team shall conduct a one or two-day meeting at the local school  
25 system which shall include:
- 26 (1) An orientation and instruction session for the peer review team;
  - 27 (2) A presentation by the local school system on their proposed strategic plan, which  
28 shall include school administrators from the lowest and highest performing schools in the  
29 school system;
  - 30 (3) Discussion on goals, plans, and flexibility requests, if applicable; and
  - 31 (4) Recommendations from the peer review team on revisions to the proposed strategic  
32 plan.
- 33 (k) The Office of Student Achievement and the peer review team shall advise and work  
34 with the local board of education on appropriate measures and benchmarks.
- 35 (l) Once the strategic plan has been finalized and prior to the submission of the plan to the  
36 state board for approval, a local board of education shall schedule and hold a public  
37 information meeting for the purpose of providing notice of the final proposed strategic plan

1 to be submitted to the state board for approval. The public information meeting shall be  
2 advertised in a local newspaper of general circulation which shall be the same newspaper  
3 in which other legal announcements of the local board of education are advertised.

4 20-2-82.

5 (a) The peer review team appointed pursuant to subsection (f) of Code Section 20-2-81  
6 shall make a recommendation to the state board on the proposed strategic plan provided for  
7 in subsection (a) of Code Section 20-2-81 regarding whether the plan should be approved  
8 by the state board.

9 (b)(1) The state board shall have the authority to approve or deny approval of a proposed  
10 strategic plan but shall give all due consideration to the recommendation and input from  
11 the peer review team.

12 (2) In the event that the state board denies approval of a proposed strategic plan, the local  
13 board of education shall work with the peer review team for further revisions and  
14 resubmission to the state board. If revisions are made, the local board of education shall  
15 conduct a public hearing prior to resubmission to the state board, which shall be  
16 advertised in the same manner as described in subsection (d) of Code Section 20-2-81.

17 Upon final approval of a strategic plan, the peer review team shall be disbanded.

18 (c) The state board shall be authorized to approve a waiver or variance request of  
19 specifically identified state rules, regulations, policies, and procedures or provisions of this  
20 chapter upon the inclusion of such request in the local school system's proposed strategic  
21 plan and in accordance with subsection (b) of Code Section 20-2-83. The goal for each  
22 waiver and variance shall be improvement of student performance. The state board shall  
23 not be authorized to waive or approve variances on any federal, state, and local rules,  
24 regulations, court orders, and statutes relating to civil rights; insurance; the protection of  
25 the physical health and safety of school students, employees, and visitors; conflicting  
26 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful  
27 conduct in or near a public school; or any reporting requirements pursuant to Code Section  
28 20-2-320 or Chapter 14 of this title. A local school system that has received a waiver or  
29 variance shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this  
30 title, the requirement that it shall not charge tuition or fees to its students except as may be  
31 authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment  
32 in the same manner as before the waiver request.

33 (d) For a local school system which does not request flexibility pursuant to this article, the  
34 Office of Student Achievement shall incorporate such local school system's strategic plan  
35 into such local school system's existing accountability profile.

1 (e) Each local school system shall update its strategic plan every five years in accordance  
2 with the same procedures and requirements contained in Code Section 20-2-81 for initial  
3 strategic plans.

4 20-2-83.

5 (a) Upon approval of a strategic plan of a local school system which has requested  
6 flexibility, the state board shall enter into a contract with such local school system which  
7 shall incorporate the strategic plan.

8 (b) The terms of the contract shall include, but not be limited to, accountability, flexibility,  
9 and consequences components in accordance with Code Section 20-2-84.

10 (c) The state board shall ensure that the flexibility requested by a local school system  
11 pursuant to subsection (b) of Code Section 20-2-84 shall result in consequences in  
12 accordance with subsection (c) of Code Section 20-2-84 and Code Section 20-2-84.1 for  
13 noncompliance with the accountability requirements established pursuant to subsection (a)  
14 of Code Section 20-2-84.

15 (d) Each contract shall be for a term of five years. The terms of the contract shall provide  
16 for automatic extension of such contract if a local school system is in noncompliance with  
17 its accountability requirements.

18 (e) The terms of a contract may be amended during the term of the contract upon approval  
19 of the state board and the local board of education.

20 20-2-84.

21 (a) The accountability component of the contract provided in Code Section 20-2-83 shall  
22 include one or more of the following student achievement measures, including both total  
23 scores and any needed targeted subgroups:

24 (1) High school graduation rates;

25 (2) SAT or ACT performance;

26 (3) State standardized test data, which may include criterion-referenced competency  
27 tests, the Georgia High School Graduation Test, end-of-course assessments, or a  
28 combination thereof;

29 (4) Advanced placement or international baccalaureate participation and performance;  
30 and

31 (5) Any other accountability measures included pursuant to Part 3 of Article 2 of Chapter  
32 14 of this title.

33 (b) The flexibility component of the contract provided in Code Section 20-2-83 shall  
34 include the waiver or variance of any one or more of the following areas as requested by

1 the local school system and as approved by the state board in the local school system's  
2 strategic plan:

- 3 (1) Class size requirements in Code Section 20-2-182;
- 4 (2) Expenditure controls in Code Section 20-2-171 and categorical allotment  
5 requirements in Article 6 of this chapter;
- 6 (3) Certification requirements in Code Section 20-2-200;
- 7 (4) Salary schedule requirements in Code Section 20-2-212;
- 8 (5) State curriculum requirements established pursuant to Code Sections 20-2-140,  
9 20-2-142, 20-2-143, 20-2-144, and 20-2-145; and
- 10 (6) Any other requirements or provisions of this chapter as identified by the local school  
11 system and approved by the state board in the local school system's strategic plan except  
12 as provided in subsection (c) of Code Section 20-2-82.

13 (c) The consequences component of the contract provided in Code Section 20-2-83 shall  
14 include:

- 15 (1) Interventions or sanctions for failure to meet identified levels of achievement or for  
16 not showing specified levels of progress pursuant to Code Section 20-14-41, which may  
17 be accelerated; and
- 18 (2) Loss of governance of one or more nonperforming schools by the local school system  
19 in accordance with Code Section 20-2-84.1.

20 Consequences shall be incurred upon noncompliance of a local school system with the  
21 accountability component of its contract.

22 20-2-84.1.

23 (a) The State Board of Education shall, as provided for in the contract entered into with  
24 a local school system pursuant to Code Section 20-2-83, mandate the loss of governance  
25 of one or more of its nonperforming schools as a consequence of failure pursuant to  
26 paragraph (2) of subsection (c) of Code Section 20-2-84. Such loss of governance may  
27 include, but shall not be limited to:

- 28 (1) Conversion of a school to charter status;
- 29 (2) Operation of a school by a successful school system, as defined by the Office of  
30 Student Achievement; or
- 31 (3) Operation of a school by a private entity, nonprofit or for profit, pursuant to a request  
32 for proposals issued by the department.

33 (b)(1) For waivers pursuant to paragraph (1) of subsection (b) of Code Section 20-2-84,  
34 loss of governance shall be invoked upon the third consecutive year of noncompliance.

1 (2) For waivers pursuant to paragraphs (2) or (3) of subsection (b) of Code Section  
2 20-2-84, loss of governance shall be invoked upon the fourth consecutive year of  
3 noncompliance.

4 (3) For waivers pursuant to paragraphs (4), (5), or (6) of subsection (b) of Code Section  
5 20-2-84, loss of governance shall be invoked upon the fifth consecutive year of  
6 noncompliance.

7 (4) In the event a local school system has multiple waivers, the most stringent time frame  
8 associated with its waiver pursuant to this subsection relating to loss of governance shall  
9 apply.

10 20-2-84.2.

11 (a) The Office of Student Achievement shall revise the single state-wide accountability  
12 system established pursuant to paragraph (1) of subsection (a) of Code Section 20-14-26  
13 for submission to the state board for approval to integrate the requirements of this article,  
14 to the greatest extent practicable, including, but not limited to, the loss of governance  
15 consequences provided for in Code Section 20-2-84.1.

16 (b) The Office of Student Achievement shall monitor each local school system's progress  
17 toward meeting its performance goals in its strategic plan and shall the notify the  
18 department if a local school system is not in compliance with its performance goals. The  
19 department shall provide support and guidance to school systems not meeting their yearly  
20 progress goals.

21 20-2-84.3.

22 The department shall determine a phase-in schedule for the implementation of this article  
23 with respect to local school systems. For the 2008-2009 school year, the department shall  
24 select no more than 15 local school systems to begin the strategic plan process and shall  
25 phase in the remaining local school systems so that all local school systems shall have a  
26 strategic plan in place by the 2015-2016 school year, except as otherwise provided for in  
27 Code Section 20-2-84.4.

28 20-2-84.4.

29 This article shall not apply to a local school system which has become a charter system  
30 pursuant to Code Section 20-2-2063.2 or which is in the process of applying to become a  
31 charter system.

1 20-2-84.5.

2 The State Board of Education shall be authorized to establish rules, regulations, and  
3 guidelines to effect the implementation of this article."

4 **SECTION 2.**

5 Said chapter is further amended by revising Code Section 20-2-101, relating to appointment  
6 of local school superintendents, as follows:

7 "20-2-101.

8 (a) Superintendents of each school system shall be employed by the local board of  
9 education under written contracts for a term of not less than one year and not more than  
10 three years. Any provision of any such contract which provides for an extension of the  
11 duration of employment thereunder, whether automatic or contingent upon the occurrence  
12 of one or more events, shall be void if that extension would result in employment under the  
13 contract, as so extended, for a period which exceeds three years. ~~Those provisions of any  
14 local Act which authorize employment contracts with a school superintendent which are  
15 of a duration which exceeds that authorized by this subsection, which local Act became  
16 effective before, at the time of, or after April 15, 1993, are repealed. Any contract entered  
17 into pursuant to the provisions of a local Act repealed by the terms of the preceding  
18 sentence of this subsection shall not be affected by such repeal for the duration of that  
19 contract as specified immediately before April 15, 1993, as long as that contract was valid  
20 at such time.~~

21 (b) No person shall be eligible to be appointed or employed as superintendent of schools  
22 of any county or independent school system unless such person is of good moral character,  
23 has never been convicted of any crime involving moral turpitude, and possesses acceptable  
24 business or management experience as specified by the Professional Standards  
25 Commission or the minimum valid certificate or a letter of eligibility for said certificate  
26 required by the Professional Standards Commission.

27 (c) Superintendents shall have such additional qualifications as may be prescribed by local  
28 law or policies of the local board for that school district, not inconsistent with the  
29 provisions of this chapter.

30 ~~(d) This Code section shall not apply to any elected school superintendent in office on  
31 January 1, 1993, during the term of office for which that person was elected.~~

32 (e) At any time during the 12 months immediately preceding the expiration of an  
33 appointed or ~~elected~~ school superintendent's contract or term of office, or when a vacancy  
34 in the office of school superintendent occurs, the local board may appoint and employ a  
35 successor in accordance with the above provisions of this Code section, notwithstanding  
36 that the terms of some or all of the board members will expire before the employment of

1 the superintendent so appointed and employed begins. ~~Where a local board of education~~  
 2 ~~decides to appoint and employ the incumbent elected superintendent of the school district~~  
 3 ~~as the superintendent for a term beginning during 1996 or thereafter, or to renew the~~  
 4 ~~contract of any appointed superintendent, the board shall not be required to comply with~~  
 5 ~~the notice and announcement provisions of subsection (d) of Code Section 20-2-211 or any~~  
 6 ~~local policy adopted pursuant thereto.~~

7 (e) A local school superintendent may concurrently serve as a principal, teacher, or in  
 8 another staff position as directed by the local board in its sole discretion and in accordance  
 9 with the terms of the contract between the superintendent and the local board. A local  
 10 school superintendent may also serve concurrently as superintendent of one or more local  
 11 school systems in accordance with the terms of his or her respective contracts and upon  
 12 approval by each affected local school system.

13 (f) No substantive or procedural right regarding employment or termination of  
 14 employment of a superintendent by a local school system shall be created by this Code  
 15 section. Rather, the terms and conditions of employment of a school superintendent by a  
 16 local school system shall be determined exclusively by the contract between those parties  
 17 and may include, without being limited to, the conditions under and procedures by which  
 18 that contract may be terminated prior to the end of the term of that contract."

### 19 SECTION 3.

20 Said chapter is further amended by revising Code Section 20-2-244, relating to waivers to  
 21 improve student performance, as follows:

22 "20-2-244.

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

27 (b) The State Board of Education is not authorized to waive any federal, state, and local  
 28 rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection  
 29 of the physical health and safety of school students, employees, and visitors; conflicting  
 30 interest transactions; the prevention of unlawful conduct; any laws relating to unlawful  
 31 conduct in or near a public school; or any reporting requirements pursuant to Code Section  
 32 20-2-320 or Chapter 14 of this title. A school or school system that has received a waiver  
 33 shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the  
 34 requirement that it shall not charge tuition or fees to its students except as may be  
 35 authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment  
 36 in the same manner as before the waiver request.

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

2 (d) The board shall require a written application for a waiver that shall include, ~~as~~ at a  
3 minimum:

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

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

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

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

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

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

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

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

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

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

28 (g) On and after July 1, 2008, the State Board of Education shall not authorize any waivers  
29 or variances pursuant to this Code section to any local school system for the following:

30 (1) Class size requirements in Code Section 20-2-182; provided, however, that the state  
31 board shall be authorized to waive class sizes pursuant to this Code section in the event  
32 that a local school system can demonstrate a hardship pursuant to a waiver request;

33 (2) Expenditure controls in Code Section 20-2-171 and categorical allotment  
34 requirements in Article 6 of this chapter;

35 (3) Certification requirements in Code Section 20-2-200;

36 (4) Salary schedule requirements in Code Section 20-2-212; and

1 (5) State curriculum requirements established pursuant to Code Sections 20-2-140,  
2 20-2-142, 20-2-143, 20-2-144, and 20-2-145.  
3 A local school system which has received a waiver or variance pursuant to this Code  
4 section prior to establishing a strategic plan pursuant to Article 4 of this chapter shall be  
5 required to include such waiver or variance in its strategic plan."

6 **SECTION 4.**

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