

House Bill 123

By: Representatives Lindsey of the 54th, Coleman of the 97th, and Jones of the 47th

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 enact the "Parent and Teacher Empowerment
3 Act"; to provide for petitions to convert existing schools to charter schools or to impose
4 turnaround models; to provide for definitions; to allow for petitions by parents or teachers;
5 to provide for turnaround models; to provide for notice to the State Board of Education; to
6 provide for local board approval; to provide for applicability; to provide for rules and
7 regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Parent and Teacher Empowerment Act."

11 **SECTION 2.**

12 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
13 secondary education, is amended in Code Section 20-2-2062, relating to definitions relative
14 to charter schools, by revising paragraph (2) as follows:

15 "(2) 'Charter petitioner' means a local school, local board of education, private individual,
16 private organization, or state or local public entity that submits a petition for a charter.
17 The term 'charter petitioner' does not include home study programs or schools, sectarian
18 schools, religious schools, private for profit schools, private educational institutions not
19 established, operated, or governed by the State of Georgia, or existing private schools.
20 A charter petitioner may also be a petitioning group, as defined in subparagraph (3)(A)
21 of Code Section 20-2-2200, that submits a petition pursuant to Article 36 of this chapter
22 to convert a local school to a charter school and which petition is verified by the local
23 board in accordance with Code Section 20-2-2203."

58 per student and such student's siblings shall be entitled to indicate their approval by
 59 signature and parents or guardians signing the petition shall also indicate the student or
 60 students in their household; or

61 (2) A majority of the faculty and instructional staff members of the local school, or for
 62 a high school cluster, a majority of the faculty and instructional staff members of each
 63 school within the high school cluster, as evidenced by:

64 (A) The signatures of more than 50 percent of such faculty and instructional staff
 65 members; or

66 (B) The vote of more than 50 percent of such faculty and instructional staff members
 67 taken by secret ballot at a public meeting called with two weeks' advance notice.

68 (c) Signatures for petitions under this Code section shall be collected on a standard form
 69 or forms established by the state board.

70 (d) Parents, legal guardians, faculty, and instructional staff members shall be free from
 71 harassment, threats, or intimidation related to circulation or signature of a petition,
 72 discouraging such persons from signing a petition, revocation of a signature, or voting for
 73 or against on a secret ballot.

74 20-2-2202.

75 (a) A petition may be submitted to a local board of education by a petitioning group
 76 pursuant to paragraph (1) of subsection (b) of Code Section 20-2-2201 to convert a local
 77 school to a charter school pursuant to Article 31 of this chapter.

78 (b) A petition may be submitted to a local board of education by a petitioning group
 79 pursuant to paragraph (1) or (2) of subsection (b) of Code Section 20-2-2201 to impose one
 80 or more of the following turnaround models on a local school which is a low-achieving
 81 school:

82 (1) Remove school personnel, including the principal and personnel whose performance
 83 has continued not to produce student achievement gains;

84 (2) Mandate the complete reconstitution of the school, removing all personnel,
 85 appointing a new principal, and hiring all new staff. Existing staff may reapply for
 86 employment at the newly reconstituted school but shall not be rehired if their
 87 performance regarding student achievement has been negative for the previous three
 88 years;

89 (3) Mandate that the parents have the option to relocate their student to other public
 90 schools in the local school system to be chosen by the parents of the student from a list
 91 of available options provided by the local school system. The local school system shall
 92 provide transportation for students in Title I schools in accordance with the requirements
 93 of federal law. The local school system may provide transportation for students in

94 non-Title I schools. In any year in which the General Assembly does not appropriate
 95 funds for the provision of transportation to non-Title I students, the parent or guardian
 96 shall assume responsibility for the transportation of that student;

97 (4) Mandate a monitor, master, or management team in the school that shall be paid by
 98 the school system;

99 (5) Prepare and implement an intensive student achievement improvement plan; or

100 (6) Mandate a complete restructuring of the school's governance arrangement and
 101 internal organization of the school.

102 A petition submitted pursuant to this subsection shall specify the turnaround model or
 103 models for which it is petitioning.

104 20-2-2203.

105 (a) The local board shall notify the state board upon receipt of a petition and upon its final
 106 disposition of such petition.

107 (b) Upon receipt of a petition, a local board shall have no more than 30 days to review and
 108 verify the signatures on or the results of a secret ballot vote for such petition. In the event
 109 that the local board does not complete such verification within 30 days, such petition or
 110 secret ballot vote shall be deemed verified for purposes of this article.

111 (c)(1) Upon verification of signatures on a petition submitted pursuant to subsection (a)
 112 of Code Section 20-2-2202, the local board shall give written notice within ten days to
 113 the petitioning group of such verification and shall subsequently accept a charter petition
 114 submitted in accordance with Article 31 of this chapter from the petitioning group as a
 115 charter petitioner.

116 (2) Upon verification of signatures or the results of a secret ballot vote on a petition
 117 submitted pursuant to subsection (b) of Code Section 20-2-2202, the local board shall
 118 approve or deny such petition within 60 days, unless additional time is requested by the
 119 petitioning group.

120 (d) A local board shall approve a petition submitted pursuant to subsection (b) of Code
 121 Section 20-2-2202 unless it finds that implementing the turnaround model or models is
 122 logistically impossible; would be illegal under employment or other applicable law; fails
 123 to comply with the provisions of this title; does not promote school governance; or is not
 124 in the public interest. The local board may deny such petition by majority vote unless the
 125 petitioning group is composed of more than 60 percent of either parents or guardians
 126 pursuant to paragraph (1) of subsection (b) of Code Section 20-2-2201 or faculty and
 127 instructional staff members pursuant to paragraph (2) of subsection (b) of Code Section
 128 20-2-2201. In such case, the local board may deny a petition only by a two-thirds or
 129 greater vote. If a local board denies a petition, such board shall, at the time of denial,

130 specifically state the reasons for the denial and provide a written statement of the denial to
131 the petitioning group and the state board; provided, however, that a denial of a petition
132 shall not preclude the petitioning group from submitting a revised petition that addresses
133 the reasons cited for the denial in the written statement.

134 (e) The local board may take action by majority vote to implement one or more of the
135 turnaround models described in subsection (b) of Code Section 20-2-2202 which are
136 different from what is specified in the petition. If the local board does so, at the time of
137 such action, it shall specifically state the reasons for implementing such model or models
138 and provide a written statement of such reasons to the petitioning group and the state board.

139 (f) The local board shall implement the turnaround model or models pursuant to an
140 approved petition no later than 180 days after the petition is received, or, if the petition was
141 received after March 1, no later than the school year beginning in the next calendar year.
142 Any turnaround model or models shall only be implemented at the beginning of a school
143 year.

144 (g) The state board may mediate between the local board and the petitioning group whose
145 petition was denied to assist in resolving the issues which led to such denial by the local
146 board.

147 20-2-2204.

148 (a) Any school that is converted to charter status or subjected to one or more turnaround
149 models pursuant to this article shall continue to serve the attendance boundary and to serve
150 all the students who attended the school in the school year prior to the conversion or
151 turnaround.

152 (b) Any parent or legal guardian who does not want their child to attend a school that has
153 been converted to charter status or subjected to one or more turnaround models pursuant
154 to this article shall have the right to enroll their child in another local school within the
155 school system.

156 20-2-2205.

157 If one or more turnaround models have been imposed on a school as a result of a petition
158 submitted pursuant to this article, another petition under this article may not be submitted
159 to the local board for such school until at least two years after the implementation of such
160 model or models.

161 20-2-2206.

162 This article shall not apply to:

163 (1) A local school which is currently subject to one or more interventions by the state
164 board pursuant to Code Section 20-14-41;

165 (2) A charter school; or

166 (3) A local school which is slated for closure within three years by the local board of
167 education.

168 20-2-2207.

169 The state board shall promulgate rules and regulations with respect to timelines, petitions,
170 secret ballot votes, and other applicable procedures to facilitate the implementation of this
171 article."

172 **SECTION 3.**

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