

The House Committee on Education offers the following substitute to HB 123:

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 35 of this chapter
22 to convert a local school to a charter school and such petition is confirmed by the local
23 board in accordance with Code Section 20-2-2203."

24 **SECTION 3.**

25 Said chapter is further amended by adding a new article to read as follows:

26 "ARTICLE 3527 20-2-2200.28 As used in this article, the term:29 (1) 'Low-achieving school' means:30 (A) A public school that has received an unacceptable rating on student achievement,
31 achievement gap closure, or student progress, or any combination thereof under the
32 accountability system established pursuant to Article 2 of Chapter 14 of this title as
33 determined by the Department of Education;34 (B) A public school that is in the lowest 20 percent of all public schools in this state
35 based on school performance as determined by the Department of Education;36 (C) A public elementary or middle school in which less than 65 percent of its students
37 across all grades meet or exceed performance standards on the criterion-referenced
38 competency tests in reading or mathematics; or39 (D) A public high school that has a graduation rate of less than 65 percent for the
40 preceding school year.41 (2) 'Petition' means a petition submitted pursuant to this article.42 (3) 'Petitioning group' means either:43 (A) Parents or legal guardians submitting a petition pursuant to paragraph (1) of
44 subsection (b) of Code Section 20-2-2201; or45 (B) Faculty and instructional staff members submitting a petition pursuant to paragraph
46 (2) of subsection (b) of Code Section 20-2-2201.47 20-2-2201.48 (a) Except as otherwise provided in this article, a petition may be submitted to convert any
49 local school to a charter school or to impose one or more turnaround models on a local
50 school which is a low-achieving school in accordance with the provisions of this article,
51 beginning with school year 2014-2015.52 (b) A petition may be submitted by:53 (1) A majority of the parents or legal guardians of students enrolled in the school or, for
54 a high school cluster, a majority of the parents or legal guardians of students enrolled in
55 one of the schools within the high school cluster, as evidenced by the signatures of more
56 than 50 percent of such parents or legal guardians or by the vote of more than 50 percent
57 of such parents or legal guardians at a public meeting called with two weeks' advance

58 notice. For purposes of this paragraph, only one parent or guardian per student and such
 59 student's siblings shall be entitled to indicate approval by signature or secret ballot, and
 60 parents or guardians signing the petition or casting a secret ballot shall also indicate the
 61 student or students in their household; or

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

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

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

69 (c) Signatures for petitions under this Code section shall be collected on a standard form
 70 or forms established by the state board. Such form or forms shall require the parent or
 71 legal guardian or faculty or instructional staff member initiating the petition to verify by
 72 sworn affidavit that:

73 (1) All signatures are valid and correct; and

74 (2) No for profit entity participated in the initiation of the petition or collection of
 75 signatures.

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

80 (e) No parent, legal guardian, faculty, or instructional staff member shall receive
 81 compensation from proponents or opponents of a petition to sign or refrain from signing
 82 such petition or voting for or against such petition by secret ballot.

83 20-2-2202.

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

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

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

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

97 (3) Permit the parents to have the option to relocate their student to other public schools
 98 in the local school system to be chosen by the parents of the student from a list of
 99 available options provided by the local school system, if another such school exists. The
 100 local school system shall provide transportation for students in Title I schools in
 101 accordance with the requirements of federal law. The local school system may provide
 102 transportation for students in non-Title I schools. In any year in which the General
 103 Assembly does not appropriate funds for the provision of transportation to non-Title I
 104 students, the parent or guardian shall assume responsibility for the transportation of that
 105 student;

106 (4) Employ a monitor, master, or management team in the school that shall be paid by
 107 the school system;

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

109 (6) Require a complete restructuring of the school's governance arrangement and internal
 110 organization of the school.

111 A petition submitted pursuant to this subsection shall specify the turnaround model or
 112 models for which it is petitioning. Any such turnaround model or models shall be
 113 implemented in the same manner and in accordance with the same criteria as interventions
 114 imposed pursuant to paragraph (6) of subsection (a) of Code Section 20-14-41.

115 20-2-2203.

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

118 (b) Upon receipt of a petition, a local board shall have no more than 30 days to confirm
 119 the names on or the results of a secret ballot vote for such petition. In the event that the
 120 local board does not complete such confirmation within 30 days, such names or secret
 121 ballot vote shall be deemed confirmed for purposes of this article.

122 (c)(1) Upon confirmation of names on a petition submitted pursuant to subsection (a) of
 123 Code Section 20-2-2202, the local board shall give written notice within ten days to the
 124 petitioning group of such confirmation and shall subsequently accept a charter petition
 125 from the petitioning group as a charter petitioner if submitted within 90 days of such
 126 confirmation and in accordance with Article 31 of this chapter; provided, however, that
 127 notwithstanding subsection (a) of Code Section 20-2-2064, a charter petition submitted
 128 pursuant to a petition confirmed pursuant to this paragraph by a petitioning group which

129 is composed of more than 60 percent of either parents or guardians pursuant to paragraph
130 (1) of subsection (b) of Code Section 20-2-2201 may only be denied by a local board by
131 a two-thirds' or greater vote.

132 (2) Upon confirmation of names or the results of a secret ballot vote on a petition
133 submitted pursuant to subsection (b) of Code Section 20-2-2202, the local board shall
134 approve or deny such petition within 60 days, unless additional time is requested by the
135 petitioning group.

136 (d) A local board shall approve a petition submitted pursuant to subsection (b) of Code
137 Section 20-2-2202 unless it finds that implementing the turnaround model or models is
138 logistically impossible; would be illegal under employment or other applicable law; fails
139 to comply with the provisions of this title; does not promote school governance; or is not
140 in the public interest. The local board may deny such petition by majority vote unless the
141 petitioning group is composed of more than 60 percent of either parents or guardians
142 pursuant to paragraph (1) of subsection (b) of Code Section 20-2-2201 or faculty and
143 instructional staff members pursuant to paragraph (2) of subsection (b) of Code Section
144 20-2-2201. In such case, the local board may deny a petition only by a two-thirds' or
145 greater vote. If a local board denies a petition, such board shall, at the time of denial,
146 specifically state the reasons for the denial and provide a written statement of the denial to
147 the petitioning group and the state board; provided, however, that a denial of a petition
148 shall not preclude the petitioning group from submitting a revised petition that addresses
149 the reasons cited for the denial in the written statement.

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

155 (f) If a petition submitted pursuant to subsection (a) of Code Section 20-2-2202 is
156 confirmed by the local board pursuant to this Code section, the public charter management
157 organization selected to operate the local charter school shall not have any schools that
158 such organization has operated for at least five years that are in the bottom 50 percent of
159 schools in this state in their performance on the state criterion-referenced competency tests
160 in reading and mathematics.

161 (g) Unless the petitioning group specifies otherwise, the local board shall implement the
162 turnaround model or models pursuant to an approved petition no later than 180 days after
163 the petition is received, or if the petition was received after March 1, no later than the
164 school year beginning in the next calendar year. Any turnaround model or models shall
165 only be implemented at the beginning of a school year.

166 (h) The state board may mediate between the local board and the petitioning group whose
 167 petition was denied to assist in resolving the issues which led to such denial by the local
 168 board.

169 20-2-2204.

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

174 (b) Any parent or legal guardian who does not want his or her child to attend a school that
 175 has been converted to charter status or subjected to one or more turnaround models
 176 pursuant to this article shall have the right to enroll his or her child in another local
 177 elementary, middle, or high school within the school system, if another such school exists.

178 20-2-2205.

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

183 20-2-2206.

184 This article shall not apply to:

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

187 (2) A charter school; or

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

190 20-2-2207.

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

194 **SECTION 4.**

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