

House Bill 123 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Lindsey of the 54<sup>th</sup>, Coleman of the 97<sup>th</sup>, Jones of the 47<sup>th</sup>, Glanton of the 75<sup>th</sup>, Casas of the 107<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 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 (4) 'Public school' means any local school of a local board of education, including a  
48 local charter school as defined in Code Section 20-2-2062.49 20-2-2201.50 (a) Except as otherwise provided in this article, a petition may be submitted to convert any  
51 local school to a charter school or to impose one or more turnaround models on a local  
52 school which is a low-achieving school in accordance with the provisions of this article,  
53 beginning with school year 2014-2015.54 (b) A petition may be submitted by:55 (1) A majority of the parents or legal guardians of students enrolled in the school or, for  
56 a high school cluster, a majority of the parents or legal guardians of students enrolled in  
57 one of the schools within the high school cluster, as evidenced by the signatures of more

58 than 50 percent of such parents or legal guardians or by the vote of more than 50 percent  
 59 of such parents or legal guardians at a public meeting called with two weeks' advance  
 60 notice. For purposes of this paragraph, only one parent or guardian per student and such  
 61 student's siblings shall be entitled to indicate approval by signature or secret ballot, and  
 62 parents or guardians signing the petition or casting a secret ballot shall also indicate the  
 63 student or students in their household; or

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

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

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

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

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

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

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

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

85 20-2-2202.

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

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

- 93 (1) Remove school personnel, including the principal and personnel whose performance  
 94 has continued not to produce student achievement gains;
- 95 (2) Institute the complete reconstitution of the school, removing all personnel, appointing  
 96 a new principal, and hiring all new staff. Existing staff may reapply for employment at  
 97 the newly reconstituted school but shall not be rehired if their performance regarding  
 98 student achievement has been negative for the previous three years;
- 99 (3) Permit the parents to have the option to relocate their student to other public schools  
 100 in the local school system to be chosen by the parents of the student from a list of  
 101 available options provided by the local school system, if another such school exists. The  
 102 local school system shall provide transportation for students in Title I schools in  
 103 accordance with the requirements of federal law. The local school system may provide  
 104 transportation for students in non-Title I schools. In any year in which the General  
 105 Assembly does not appropriate funds for the provision of transportation to non-Title I  
 106 students, the parent or guardian shall assume responsibility for the transportation of that  
 107 student;
- 108 (4) Employ a monitor, master, or management team in the school that shall be paid by  
 109 the school system;
- 110 (5) Prepare and implement an intensive student achievement improvement plan; or
- 111 (6) Require a complete restructuring of the school's governance arrangement and internal  
 112 organization of the school.
- 113 A petition submitted pursuant to this subsection shall specify the turnaround model or  
 114 models for which it is petitioning. Any such turnaround model or models shall be  
 115 implemented in the same manner and in accordance with the same criteria as interventions  
 116 imposed pursuant to paragraph (6) of subsection (a) of Code Section 20-14-41. A  
 117 petitioning group submitting a petition pursuant to this subsection to implement one or  
 118 more turnaround models on a local charter school, as defined in Code Section 20-2-2062,  
 119 shall ensure that the charter, as defined in Code Section 20-2-2062, for the school allows  
 120 for such interventions or specifies the provisions of the charter which will have to be  
 121 revised to allow for such interventions.
- 122 20-2-2203.
- 123 (a) The local board shall notify the state board upon receipt of a petition and upon its final  
 124 disposition of such petition.
- 125 (b) Upon receipt of a petition, a local board shall have no more than 30 days to confirm  
 126 the names on or the results of a secret ballot vote for such petition. In the event that the  
 127 local board does not complete such confirmation within 30 days, such names or secret  
 128 ballot vote shall be deemed confirmed for purposes of this article.

129 (c)(1) Upon confirmation of names on a petition submitted pursuant to subsection (a) of  
130 Code Section 20-2-2202, the local board shall give written notice within ten days to the  
131 petitioning group of such confirmation and shall subsequently accept a charter petition  
132 from the petitioning group as a charter petitioner if submitted within 90 days of such  
133 confirmation and in accordance with Article 31 of this chapter; provided, however, that  
134 notwithstanding subsection (a) of Code Section 20-2-2064, a charter petition submitted  
135 pursuant to a petition confirmed pursuant to this paragraph by a petitioning group which  
136 is composed of more than 60 percent of either parents or guardians pursuant to paragraph  
137 (1) of subsection (b) of Code Section 20-2-2201 may only be denied by a local board by  
138 a two-thirds' or greater vote.

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

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

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

163 (f) If a petition submitted pursuant to subsection (a) of Code Section 20-2-2202 is  
164 confirmed by the local board pursuant to this Code section, the public charter management  
165 organization selected to operate the local charter school shall not have any schools that

166 such organization has operated for at least five years that are in the bottom 50 percent of  
167 schools in this state in their performance on the state criterion-referenced competency tests  
168 in reading and mathematics.

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

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

177 20-2-2204.

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

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

186 20-2-2205.

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

191 20-2-2206.

192 This article shall not apply to:

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

195 (2) A local school which is slated for closure within three years by the local board of  
196 education.

197 20-2-2207.

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

201

**SECTION 4.**

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