

House Bill 338

By: Representatives Tanner of the 9th, Coleman of the 97th, Jones of the 47th, Burns of the 159th, Coomer of the 14th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for system of supports and assistance for low-performing schools identified as in the
3 greatest need of assistance; to provide for a Chief Turnaround Officer; to provide for
4 turnaround coaches; to provide for the identification of the schools in the greatest need of
5 assistance; to provide for contract amendments; to provide for a comprehensive on-site
6 evaluation and recommendations; to provide for the development of an intensive school
7 improvement plan; to provide for a two-year period to implement the intensive school
8 improvement plan; to provide for interventions after two years if the school does not
9 improve; to provide for an Education Turnaround Advisory Council; to provide for the
10 creation of the Joint Study Committee on the Establishment of a State Accreditation Process;
11 to provide for its membership and duties; to provide for removal of members of a local board
12 of education if one-half or more of the schools in the local school system have received an
13 unacceptable rating for five or more consecutive years; to provide for temporary replacement
14 members; to provide for petitions for reinstatement; to provide for a hearing; to revise
15 provisions relating to contracts for strategic waivers school systems; to revise provisions
16 relating to charters for charter systems; to provide for related matters; to repeal conflicting
17 laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **PART I**
20 **SECTION 1-1.**

21 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
22 adding new Code sections to the end of Part 3 of Article 2 of Chapter 14, relating to
23 education accountability assessment programs, to read as follows:

24 "20-14-43.

25 (a) There is created the position of Chief Turnaround Officer. The State Board of
26 Education shall appoint the Chief Turnaround Officer who shall serve at the pleasure of the
27 state board. The Chief Turnaround Officer shall be an employee of the Department of
28 Education but shall report directly to the state board.

29 (b) The Chief Turnaround Officer shall have the following qualifications:

30 (1) A minimum of 15 years of experience in K-12 education;

31 (2) Holds an advanced degree in K-12 education;

32 (3) Has held the position of principal or higher in a public school system for a minimum
33 of three years;

34 (4) Extensive experience in turning around failing schools; and

35 (5) Such additional education, experience, and other qualifications as determined by the
36 state board.

37 (c) The Chief Turnaround Officer shall manage and oversee a system of supports and
38 assistance for low-performing schools identified as in the greatest need of assistance and
39 shall have such other duties as designated by the State Board of Education. The Chief
40 Turnaround Officer and the staff and various divisions of the Department of Education
41 shall work cooperatively and shall coordinate as necessary to facilitate the implementation
42 of this Code section and Code Sections 20-14-44 through 20-14-46.

43 20-14-44.

44 The Chief Turnaround Officer shall recommend individuals experienced in turning around
45 schools with similar needs and characteristics as those schools identified pursuant to Code
46 Section 20-14-45, to serve as turnaround coaches, subject to approval by the state board.
47 Turnaround coaches shall assist schools that are identified as in the greatest need of
48 assistance pursuant to Code Section 20-14-45 with ongoing assistance and input.
49 Turnaround coaches shall be assigned to one or more schools which are under a contract
50 amendment or intervention contract pursuant to Code Section 20-14-45. Turnaround
51 coaches shall assist in creating local collaborations to address personal and community
52 conditions, which shall include the needs, issues, and problems within the communities of
53 such school or schools, such as poverty, lack of economic development, safety,
54 transportation options for parents and students, adult educational opportunities, wellness,
55 and mental health services and shall assist in identifying state and community resources
56 that are available or that could be built upon, reallocated, or repurposed to address the
57 issues impacting such school or schools.

58 20-14-45.

59 (a) The Chief Turnaround Officer shall annually identify the low-performing schools that
60 are in the greatest need of assistance based on the number of years such schools have
61 received an unacceptable rating and any other factors deemed appropriate by the Chief
62 Turnaround Officer. The number of schools identified annually shall be at the sole
63 discretion of the Chief Turnaround Officer, based on the capacity and resources available
64 to the Chief Turnaround Officer.

65 (b) The Chief Turnaround Officer shall extend an opportunity to the local boards of
66 education for each school identified pursuant to subsection (a) of this Code section to
67 amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers
68 school systems or to amend the charter, for charter systems. The amendment shall be for
69 the purposes of agreeing to receive assistance pursuant to Code Section 20-14-46 for the
70 school or schools identified as in greatest need of assistance. For any such local board of
71 education that is offered the opportunity to amend its contract or charter but that declines,
72 the State Board of Education shall within 60 days either implement one or more of the
73 interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for
74 such school or terminate the contract or charter as allowed by the terms of such contract
75 or charter.

76 (c) For any local school system that is not a charter system or a strategic waivers system,
77 the Chief Turnaround Officer shall extend an opportunity to the local board of education
78 for each school identified pursuant to subsection (a) of this Code section to enter into an
79 intervention contract for the purposes of agreeing to receive assistance pursuant to Code
80 Section 20-14-46 for the school or schools identified as in greatest need of assistance. For
81 any such local board of education that is offered the opportunity to enter into an
82 intervention contract but that declines, the State Board of Education shall immediately
83 implement one or more of the interventions contained in paragraph (6) of subsection (a) of
84 Code Section 20-14-41 for such school.

85 20-14-46.

86 (a) The Chief Turnaround Officer shall establish a system of assistance and support for
87 schools identified as in the greatest need of assistance pursuant to Code Section 20-14-45.

88 (b) Within 90 days of entering into a contract amendment or intervention contract between
89 the State Board of Education and a local board of education, a turnaround coach, in
90 partnership with the regional educational service agency, shall conduct a comprehensive
91 on-site evaluation of the low-performing school to determine the cause for the school's low
92 performance and lack of progress. At the discretion of the Chief Turnaround Officer, a
93 third party may be retained to assist in the evaluation, at the expense of the state. Such

94 third party shall be selected by the local board of education from an approved list provided
95 by the Chief Turnaround Officer. Such approved list shall be annually established by the
96 State Board of Education through a request for proposals process. Such request for
97 proposals shall be designed with input from parents, teachers, and administrators. If the
98 local board of education instead wishes to select its own third party, it may do so upon
99 approval by the Chief Turnaround Officer, at the expense of the local school system.
100 Based on the comprehensive on-site evaluation, the turnaround coach, in partnership with
101 the regional educational service agency, shall recommend actions, which may include, but
102 not be limited to, reallocation of resources and technical assistance, changes in school
103 procedures or operations, professional learning focused on student achievement for
104 instructional and administrative staff, intervention for individual administrators or teachers,
105 instructional strategies based on scientifically based research, waivers from state statutes
106 or rules, adoption of policies and practices to ensure all groups of students meet the state's
107 proficiency level, extended instruction time for low-performing students, strategies for
108 parental involvement, incorporation of a teacher mentoring program, smaller class size for
109 low-performing students, or other actions deemed appropriate.

110 (c) Based on the evaluation and recommendations, the school shall develop an intensive
111 school improvement plan in collaboration with the Chief Turnaround Officer that
112 specifically addresses the academic insufficiencies identified by the school's rating in the
113 single state-wide accountability system. The school shall implement the plan with ongoing
114 input and assistance from the Chief Turnaround Coach and the turnaround coach.

115 (d) If after two years of implementing the plan, the school is not improving, as determined
116 by the Chief Turnaround Officer, the Chief Turnaround Officer shall require that one or
117 more of the following interventions be implemented at the school, taking into consideration
118 the ongoing cooperation and collaboration exhibited by the school:

119 (1) Continued implementation of the intensive school improvement plan developed
120 pursuant to subsection (c) of this Code section;

121 (2) Appointment of a school master or management team to oversee and direct the duties
122 of the principal of the school until the school makes acceptable improvements;

123 (3) Removal of school personnel, which may include the principal and personnel whose
124 performance has been determined to be insufficient to produce student achievement
125 gains;

126 (4) Implementation of a state charter school through the designation by the State Board
127 of Education;

128 (5) Complete reconstitution of the school, removing all personnel, appointing a new
129 principal, and hiring all new staff. Existing staff may reapply for employment at the

130 newly reconstituted school but shall not be rehired if their performance regarding student
 131 achievement has been negative for the past four years;

132 (6) Mandatory parental option to relocate the student to another public school in the local
 133 school system that does not have an unacceptable rating, to be chosen by the parents of
 134 the student from a list of available options provided by the local school system. The local
 135 school system shall provide transportation for students in Title I schools in accordance
 136 with the requirements of federal law. The local school system may provide transportation
 137 for students in non-Title I schools. In any year in which the General Assembly does not
 138 appropriate funds for the provision of transportation to non-Title I students, the parent or
 139 guardian shall assume responsibility for the transportation of that student;

140 (7) Complete restructuring of the school's governance arrangement and internal
 141 organization of the school;

142 (8) Operation of the school by a successful school system and pursuant to funding
 143 criteria established by the State Board of Education;

144 (9) Operation of the school by a private nonprofit entity pursuant to a request for
 145 proposals issued by the State Board of Education; or

146 (10) Any other interventions or requirements deemed appropriate by the Chief
 147 Turnaround Officer and the State Board of Education for the school.

148 (e) Before the implementation of any interventions required by the Chief Turnaround
 149 Officer pursuant to subsection (d) of this Code section for a school, the local board of
 150 education may request an opportunity for a hearing before the State Board of Education to
 151 show cause as to why an intervention or interventions imposed by the State Board of
 152 Education for a school should not be required or that alternative interventions would be
 153 more appropriate. The determination of the State Board of Education shall be the final
 154 decision.

155 20-14-47.

156 (a) There is created the Education Turnaround Advisory Council. The Education
 157 Turnaround Advisory Council shall report to the State Board of Education and shall
 158 provide advisement regarding the qualifications and the manner of conducting the
 159 identification and selection process for the position of the Chief Turnaround Officer
 160 pursuant to Code Section 20-14-43 and regarding the qualifications and the manner of
 161 conducting the identification and selection process for individuals to serve as turnaround
 162 coaches as pursuant to Code Section 20-14-44. Additionally, the Education Turnaround
 163 Advisory Council may submit to the State Board of Education names of potential
 164 candidates for the position of Chief Turnaround Officer and for turnaround coaches. The
 165 Education Turnaround Advisory Council may have other responsibilities as assigned by

166 the State Board of Education, but shall have no authority and shall only be advisory in
 167 nature.

168 (b) The Education Turnaround Advisory Council shall be composed of:

169 (1) The executive director of the Georgia School Boards Association or his or her
 170 designee;

171 (2) The executive director of the Georgia School Superintendents Association or his or
 172 her designee;

173 (3) The executive director of the Professional Association of Georgia Educators or his
 174 or her designee;

175 (4) The executive director of the Georgia Association of Educators or his or her
 176 designee; and

177 (5) The president of the Georgia Parent Teacher Association.

178 20-14-48.

179 (a) The Joint Study Committee on the Establishment of a State Accreditation Process is
 180 hereby created. The committee shall undertake a study of the advantages and
 181 disadvantages of establishing a state accreditation process for public schools and school
 182 systems in this state, including the resources and structure that would be necessary and any
 183 impediments that would need to be addressed. The committee shall consider the areas that
 184 could be included in a state accreditation process, including student academic achievement,
 185 local board governance, and financial management. The committee should also consider
 186 the possible consequences of losing state accreditation that could be administered, such as
 187 removal of local board of education members. In addition, the committee shall consider
 188 the possibility of establishing a school board review commission.

189 (b) The committee shall be composed of:

190 (1) Three members of the House of Representatives, appointed by the Speaker of the
 191 House of Representatives, one of whom who shall be designated by the Speaker to serve
 192 as a cochairperson;

193 (2) Three members of the Senate, appointed by the President of the Senate, one of whom
 194 who shall be designated by the President of the Senate to serve as a cochairperson;

195 (3) The State School Superintendent or his or her designee;

196 (4) The director of the Office of Student Achievement;

197 (5) The chancellor of the University System of Georgia or his or her designee;

198 (6) A local board of education member appointed by the Governor;

199 (7) A local school superintendent appointed by the Governor;

200 (8) A principal appointed by the Governor;

201 (9) A teacher appointed by the Governor; and

202 (10) A parent appointed by the Governor.

203 (c) The committee may conduct such meetings at such places and at such times as it may
204 deem necessary or convenient to enable it to exercise fully and effectively its powers,
205 perform its duties, and accomplish the objectives and purposes of this Code section. The
206 committee shall meet upon the call of the cochairpersons.

207 (d) The legislative members of the committee shall receive the allowances provided for
208 in Code Section 28-1-8. Any citizen members shall receive a daily expense allowance in
209 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
210 transportation allowance authorized for state employees. Any members of the committee
211 who are state officials, other than legislative members, and state employees shall receive
212 no compensation for their services on the committee, but they shall be reimbursed for
213 expenses incurred by them in the performance of their duties as members of the committee
214 in the same manner as they are reimbursed for expenses in their capacities as state officials
215 or employees. The funds necessary for the reimbursement of the expenses of state
216 officials, other than legislative members, and state employees shall come from funds
217 appropriated to or otherwise available to the Department of Education. All other funds
218 necessary to carry out the provisions of this Code section shall come from funds
219 appropriated to the House of Representatives and the Senate.

220 (e)(1) In the event the committee adopts any specific findings or recommendations that
221 include suggestions for proposed legislation, the cochairpersons shall file a report of the
222 same prior to December 31, 2018, subject to paragraph (3) of this subsection.

223 (2) In the event the committee adopts a report that does not include suggestions for
224 proposed legislation, the cochairpersons shall file the report, subject to paragraph (3) of
225 this subsection.

226 (3) No report shall be filed unless the same has been approved prior to
227 December 31, 2018, by majority vote of a quorum of the committee. A report so
228 approved shall be signed by the cochairpersons of the committee and filed with the
229 Secretary of the Senate and the Clerk of the House of Representatives.

230 (4) In the absence of an approved report, the cochairpersons may file with the Secretary
231 of the Senate and the Clerk of the House of Representatives copies of the minutes of the
232 meetings of the committee in lieu thereof.

233 (f) The committee shall stand abolished and this Code section shall stand repealed by
234 operation of law on December 31, 2018."

235

PART II

236

SECTION 2-1.

237 Said title is further amended by revising Code Section 20-2-73, relating to suspension and
 238 removal of local school board members upon potential loss of accreditation, as follows:

239 "20-2-73.

240 (a)(1) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the
 241 contrary, if:

242 (A) A a local school system or school is placed on the level of accreditation
 243 immediately preceding loss of accreditation for school board governance related
 244 reasons by one or more accrediting agencies included in subparagraph (A) of
 245 paragraph (6) of Code Section 20-3-519, the local board of education shall notify the
 246 State Board of Education in writing within three business days of such placement and
 247 the State Board of Education shall conduct a hearing in not less than ten days of such
 248 notice nor more than 90 days and recommend to the Governor whether to suspend all
 249 eligible members of the local board of education with pay; or

250 (B) One-half or more of the schools in a local school system have received an
 251 unacceptable rating, as defined by the Office of Student Achievement, for the fifth or
 252 more consecutive year, the Department of Education shall notify the State Board of
 253 Education in writing within three business days of such rating and the State Board of
 254 Education shall conduct a hearing in not less than ten days of such notice nor more than
 255 90 days and recommend to the Governor whether to suspend all eligible members of
 256 the local board of education with pay; provided, however, that this subparagraph shall
 257 be tolled for a local board of education while under a contract amendment or
 258 intervention contract pursuant to Code Section 20-14-45 so long as such local board of
 259 education is in substantial compliance with the terms of such contract amendment or
 260 intervention contract.

261 (2) A majority of the members of a local board of education may petition the State Board
 262 of Education to continue any hearing scheduled under this subsection. Upon a showing
 263 of good cause, the state board may in its sound discretion continue any such hearing.
 264 Notwithstanding any other provision of law, deliberations held by the State Board of
 265 Education pursuant to this subsection to formulate its recommendation to the Governor
 266 shall not be open to the public; provided, however, that testimony shall be taken in an
 267 open meeting and a vote on the recommendation shall be taken in an open meeting
 268 following the hearing or at the next regularly scheduled meeting. If the State Board of
 269 Education makes such recommendation, the Governor may, in his or her discretion,
 270 suspend all eligible members of the local board of education with pay and, in consultation

271 with the State Board of Education, appoint temporary replacement members who shall
272 be otherwise qualified to serve as members of such board.

273 (b) Any local board of education member suspended under this Code section may petition
274 the Governor for reinstatement no earlier than 30 days following suspension and no later
275 than 60 days following suspension. In the event that a suspended member does not petition
276 for reinstatement within the allotted time period, his or her suspension shall be converted
277 into permanent removal, and the temporary replacement member shall become a permanent
278 member and serve out the remainder of the term of the removed member.

279 (c) Upon petition for reinstatement by a suspended local board of education member, the
280 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
281 evidence relative to whether the local board of education member's continued service on
282 the local board of education is more likely than not to improve the ability of the local
283 school system or school to retain or reattain its accreditation or to improve the ratings of
284 the schools in the local school system so that less than one-half of the schools in such local
285 school system receive an unacceptable rating in subsequent years. The appealing member
286 shall be given at least 30 days' notice prior to such hearing. Such hearing shall be held not
287 later than 90 days after the petition is filed and in accordance with Chapter 13 of Title 50,
288 the 'Georgia Administrative Procedure Act,' except that the individual conducting the
289 hearing shall have the power to call witnesses and request documents on his or her own
290 initiative. For purposes of said chapter and any hearing conducted pursuant to this Code
291 section, the Governor shall be considered the agency, and the Attorney General or his or
292 her designee shall represent the interests of the Governor in the hearing. If it is determined
293 that it is more likely than not that the local board of education member's continued service
294 on the local board of education improves the ability of the local school system or school
295 to retain or reattain its accreditation or to improve the ratings of the schools in the local
296 school system so that less than one-half of the schools in such local school system receive
297 an unacceptable rating in subsequent years, the member shall be immediately reinstated;
298 otherwise, the member shall be permanently removed, and the temporary replacement
299 member shall become a permanent member and serve out the remainder of the term of the
300 removed member or until the next general election which is at least six months after the
301 member was permanently removed, whichever is sooner. Judicial review of any such
302 decision shall be in accordance with Chapter 13 of Title 50.

303 (d)(1) Paragraph (1) of subsection ~~Subsection~~ (a) of this Code section shall apply to a
304 local school system or school which is placed on the level of accreditation immediately
305 preceding loss of accreditation on or after April 20, 2011.

306 (2) Paragraph (2) of subsection (a) of this Code section shall apply to a local school
 307 system which receives, on or after July 1, 2017, an unacceptable rating for one-half or
 308 more of the schools in the local school system for the fifth or more consecutive year.

309 (e) For purposes of this Code section, an eligible member of a local board of education
 310 shall mean a board member who was serving on the local board at the time the accrediting
 311 agency placed the local school system or school on the level of accreditation immediately
 312 preceding loss of accreditation or at the time the local school system received an
 313 unacceptable rating for one-half or more of the schools in the local school system for the
 314 fifth or more consecutive year.

315 (f) A local board of education shall not expend any public funds for attorney's fees or
 316 expenses of litigation relating to proceedings initiated pursuant to this Code section except
 317 to the extent such fees and expenses are incurred prior to and through the recommendation
 318 of the state board as provided for in subsection (a) of this Code section; provided, however,
 319 that nothing in this subsection shall be construed to prohibit an insurance provider from
 320 covering attorney's fees or expenses of litigation under an insurance policy.

321 (g) Any suspended board member who is reinstated by the Governor pursuant to this Code
 322 section may be reimbursed by the local board of education for his or her reasonable
 323 attorney's fees and related expenses incurred in pursuing such reinstatement."

324

SECTION 2-2.

325 Said title is further amended by revising Code Section 20-2-83, relating to state board
 326 approval of local school board flexibility contract, as follows:

327 "20-2-83.

328 (a) Upon approval of a proposed contract of a local school system which has requested
 329 flexibility, the state board shall enter into such contract with the local board of education.

330 (b) The terms of the contract shall include, but not be limited to, accountability, flexibility,
 331 and consequences components as negotiated pursuant to subsection (a) of Code Section
 332 20-2-82 and in accordance with Code Section 20-2-84.

333 (c) Each contract shall be for a term of ~~five~~ six years. The terms of the contract may
 334 provide for automatic extension of such contract if a local school system has met its
 335 accountability requirements.

336 (d) The terms of a contract may be amended during the term of the contract only if
 337 ~~warranted due to unforeseen circumstances and~~ upon approval of the state board and the
 338 local board of education."

339 **SECTION 2-3.**

340 Said title is further amended by revising subsection (c) of Code Section 20-2-2063.2, relating
341 to charter systems, as follows:

342 "(c) Prior to approval or denial of a charter petition for a charter system, the state board
343 shall receive and give all due consideration to the recommendation and input from the
344 Charter Advisory Committee established in Code Section 20-2-2063.1. The state board
345 shall approve the charter if the state board finds, after receiving input from the Charter
346 Advisory Committee, that the petition complies with the rules, regulations, policies, and
347 procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this
348 title, is in the public interest, and promotes school level governance. A charter for a charter
349 system shall include the interventions, sanctions, and loss of governance consequences
350 contained in Code Section 20-14-41."

351 **SECTION 2-4.**

352 Said title is further amended by revising subsection (b) of Code Section 20-2-2067.1, relating
353 to amendment of terms of charter for charter school, initial term of charter, and annual report,
354 as follows:

355 "(b) The initial term of a charter, except for a charter system, shall be for a minimum of
356 five years, unless the petitioner shall request a shorter period of time, and shall not exceed
357 ten years. The local board and the state board, in accordance with Code Section
358 20-2-2064.1, may renew a local charter, upon the request of the charter school, for the
359 period of time specified in the request, not to exceed ten years. The state board may renew
360 a state chartered special school, upon the request of the school, for the period of time
361 specified in the request, not to exceed ten years. The initial term of a charter for a charter
362 system shall not exceed ~~five~~ six years. The state board may renew the charter of a charter
363 system, upon the request of the local board, for the period of time specified in the request,
364 not to exceed ten years."

365 **SECTION 2-5.**

366 Said title is further amended by adding a new subsection to Code Section 20-14-41, relating
367 to appropriate levels of intervention for failing schools, master or management team, school
368 improvement team, annual reports, data revision, and hearing, to read as follows:

369 "(h)(1) The State Board of Education shall prepare an annual report detailing the schools
370 that have received an unacceptable rating for one or more consecutive years and the
371 interventions applied to each such school pursuant to Code Section 20-14-41.
372 (2) The State Board of Education shall provide the annual report no later than December
373 31 for the previous academic year, to the Governor, the Lieutenant Governor, the Speaker

374 of the House of Representatives, and the chairpersons of the House Committee on
375 Education and the Senate Education and Youth Committee."

376

PART III

377

SECTION 3-1.

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