

House Bill 338 (COMMITTEE SUBSTITUTE)

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

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**
22 **SECTION 1-1.**

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

H. B. 338 (SUB)

26 "20-14-43.

27 (a) There is created the position of Chief Turnaround Officer. The State Board of
 28 Education, after consulting with the State School Superintendent and the Education
 29 Turnaround Advisory Council, shall appoint the Chief Turnaround Officer who shall serve
 30 at the pleasure of the state board. The Chief Turnaround Officer shall be an employee of
 31 the Department of Education but shall report directly to the state board.

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

33 (1) A minimum of ten years of experience in K-12 education;

34 (2) Holds an advanced degree;

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

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

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

40 (c) The Chief Turnaround Officer shall manage and oversee a system of supports and
 41 assistance for the lowest-performing schools identified as in the greatest need of assistance.
 42 The Chief Turnaround Officer and the staff and various divisions of the Department of
 43 Education shall work cooperatively and shall coordinate as necessary to facilitate the
 44 implementation of this Code section and Code Sections 20-14-44 through 20-14-46.

45 20-14-44.

46 (a) The Chief Turnaround Officer, after consulting with the State School Superintendent,
 47 shall recommend individuals experienced in turning around schools with similar needs and
 48 characteristics as those schools identified pursuant to Code Section 20-14-45, to serve as
 49 turnaround coaches, subject to approval by the state board.

50 (b) Turnaround coaches shall assist schools that are identified as in the greatest need of
 51 assistance pursuant to Code Section 20-14-45 with ongoing assistance and input.
 52 Turnaround coaches shall be assigned to one or more schools which are under a contract
 53 amendment or intervention contract pursuant to Code Section 20-14-45.

54 (c) Turnaround coaches shall assist in creating local collaborations to address personal and
 55 community conditions, which shall include the needs, issues, and problems within the
 56 communities of such school or schools, such as poverty, lack of economic development,
 57 safety, transportation options for parents and students, adult educational opportunities,
 58 wellness, and mental health services and shall assist in identifying state and community
 59 resources that are available or that could be built upon, reallocated, or repurposed to
 60 address the issues impacting such school or schools.

61 (d)(1) Turnaround coaches shall coordinate with each school to conduct individual
62 assessments of those students who have been identified as low-performing and coordinate
63 with schools to provide the following interventions, as agreed to by the turnaround coach
64 and the school and based on available funding and resources, including the reallocation
65 of existing resources:

66 (A) Screen all students during the first 60 instructional days of the school year of a
67 contract amendment or intervention contract pursuant to Code Section 20-14-45 to
68 diagnose the factors for low-performance, including but not limited to, reading
69 development and comprehension, physical health, mental health, access to the Internet
70 or other ancillary supports to out-of-school learning activities expected of students; and
71 evaluation of all available records to address nonacademic barriers to learning in the
72 lowest-performing schools; and

73 (B) Provide students who have been identified as low-performing with academic
74 support and enrichment activities, access to programs to promote parental involvement,
75 access to supports for addressing and improving mental and physical health, access to
76 a learning resource center for students and guardians to strengthen academic supports,
77 positive behavioral interventions and supports, and access to expert supports, which
78 may include, but not be limited to, data scientists, psychometric personnel, curriculum
79 specialists, learning theorists, and special educators to help advise the schools on
80 technical learning matters.

81 (2) The Office of Student Achievement shall be authorized to provide for grants, subject
82 to appropriations, to assist in assessing low-performing students and obtaining specified
83 supports for such students as delineated in paragraph (1) of this subsection. A school
84 under a contract amendment or intervention contract pursuant to Code Section 20-14-45
85 may, upon consultation with the turnaround coach for the school, request grant funds for
86 assessing low-performing students and obtaining specified supports for such students
87 pursuant to paragraph (1) of this subsection. Upon approval by the Chief Turnaround
88 Officer, the grant request may be submitted to the Office of Student Achievement. The
89 award of any grant funds shall be at the discretion of the Office of Student Achievement,
90 including the amount of any such grant funds. The Office of Student Achievement shall
91 prescribe criteria, policies, and standards deemed necessary for the effective
92 implementation of this Code section.

93 (e) Turnaround coaches may provide such other services and supports as determined by
94 the Chief Turnaround Officer.

95 20-14-45.

96 (a) The Chief Turnaround Officer, in conjunction with the Department of Education and
 97 the Office of Student Achievement, shall annually identify the lowest-performing schools
 98 that are deemed to be in the greatest need of assistance based on the chronically failing
 99 schools list published annually by the Office of Student Achievement, including scores and
 100 data trends, and any other factors deemed appropriate by the Chief Turnaround Officer;
 101 provided, however, that special consideration may be given to other lowest-performing
 102 schools:

103 (1) That are in close proximity to a school in greatest need of assistance;

104 (2) That are in local school systems in which one-half or more of the schools in such
 105 local school system are deemed lowest-performing; and

106 (3) For which the local board of education has specifically requested assistance from the
 107 state.

108 The number of schools identified annually shall be at the discretion of the Chief
 109 Turnaround Officer, based on the capacity and resources available to the Chief Turnaround
 110 Officer and to the Department of Education after consulting with department staff and the
 111 State School Superintendent.

112 (b) The Chief Turnaround Officer shall extend an opportunity to the local boards of
 113 education for each school identified pursuant to subsection (a) of this Code section to
 114 amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers
 115 school systems or to amend the charter, for charter systems. The amendment shall be for
 116 the purposes of agreeing to receive assistance pursuant to Code Section 20-14-46 for the
 117 school or schools identified as in greatest need of assistance. For any such local board of
 118 education that is offered the opportunity to amend its contract or charter but that does not
 119 sign an amendment within 60 days of being offered the amendment or that declines, the
 120 State Board of Education shall within 60 days either implement one or more of the
 121 interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for
 122 such school or terminate the contract or charter as allowed by the terms of such contract
 123 or charter.

124 (c) For any local school system that is not a charter system or a strategic waivers system,
 125 the Chief Turnaround Officer shall extend an opportunity to the local board of education
 126 for each school identified pursuant to subsection (a) of this Code section to enter into an
 127 intervention contract for the purposes of agreeing to receive assistance pursuant to Code
 128 Section 20-14-46 for the school or schools identified as in greatest need of assistance. For
 129 any such local board of education that is offered the opportunity to enter into an
 130 intervention contract but that declines, the State Board of Education shall immediately

131 implement one or more of the interventions contained in paragraph (6) of subsection (a) of
132 Code Section 20-14-41 for such school.

133 20-14-46.

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

136 (b) Within 90 days of entering into a contract amendment or intervention contract between
137 the State Board of Education and a local board of education, a turnaround coach, in
138 partnership with the regional educational service agency, shall conduct a comprehensive
139 on-site evaluation of the school to determine the cause for the school's low performance
140 and lack of progress. At the discretion of the Chief Turnaround Officer and based on
141 available funding and resources, after consultation with the Department of Education and
142 the State School Superintendent, a third party may be retained to assist in the evaluation,
143 at the expense of the state. Such third party shall be selected by the local board of
144 education from an approved list provided by the Chief Turnaround Officer. Such approved
145 list shall be annually established by the State Board of Education through a request for
146 proposals process. Such request for proposals shall be designed with input from parents,
147 teachers, administrators, and the Education Turnaround Advisory Council. If the local
148 board of education instead wishes to select its own third party to assist in the evaluations,
149 it may do so upon approval by the Chief Turnaround Officer, at the expense of the local
150 school system. Based on the comprehensive on-site evaluation, the turnaround coach, in
151 partnership with the regional educational service agency, shall recommend actions, which
152 may include, but not be limited to, reallocation of resources and technical assistance,
153 changes in school procedures or operations, professional learning focused on student
154 achievement for instructional and administrative staff, intervention for individual
155 administrators or teachers, instructional strategies based on scientifically based research,
156 waivers from state statutes or rules, adoption of policies and practices to ensure all groups
157 of students meet the state's proficiency level, extended instruction time for low-performing
158 students, strategies for parental involvement, incorporation of a teacher mentoring program,
159 smaller class size for low-performing students, or other actions deemed appropriate.

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

165 (d) If after two years of implementing the plan, the school is not improving, as determined
166 by the Chief Turnaround Officer based on the terms of the amended contract, amended

167 charter, or the intervention contract and on other applicable factors, the Chief Turnaround
 168 Officer shall require that one or more of the following interventions be implemented at the
 169 school, unless the school is in substantial compliance with the implementation of the
 170 intensive school improvement plan and has exhibited ongoing cooperation and
 171 collaboration:

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

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

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

179 (4) Implementation of a state charter school or a special school, as defined in Code
 180 Section 20-2-2062;

181 (5) Complete reconstitution of the school, removing all personnel, appointing a new
 182 principal, and hiring all new staff. Existing staff may reapply for employment at the
 183 newly reconstituted school but shall not be rehired if their performance regarding student
 184 achievement has been negative for the past four years;

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

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

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

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

199 (10) Any other interventions or requirements deemed appropriate by the Chief
 200 Turnaround Officer and the State Board of Education for the school and in accordance
 201 with the amended contract, amended charter, or intervention contract.

202 (e) Before the implementation of any interventions required by the Chief Turnaround
 203 Officer pursuant to subsection (d) of this Code section for a school, the local board of

204 education may request an opportunity for a hearing before the State Board of Education to
 205 show cause as to why an intervention or interventions imposed by the Chief Turnaround
 206 Officer for a school should not be required or that alternative interventions would be more
 207 appropriate. Such request shall be made no later than 30 days after notification by the
 208 Chief Turnaround Officer of the intended interventions. The State Board of Education
 209 shall take into consideration the substantial compliance of the school in the implementation
 210 of the intensive school improvement plan and the ongoing cooperation and collaboration
 211 exhibited by the school. The State Board of Education shall make a determination on any
 212 such request no later than 60 days after receipt of such request. The determination of the
 213 State Board of Education shall be the final decision.

214 20-14-47.

215 (a) There is created the Education Turnaround Advisory Council. The Education
 216 Turnaround Advisory Council shall report to the State Board of Education and shall
 217 provide advisement regarding the qualifications and the manner of conducting the
 218 identification and selection process for the position of the Chief Turnaround Officer
 219 pursuant to Code Section 20-14-43 and regarding the qualifications and the manner of
 220 conducting the identification and selection process for individuals to serve as turnaround
 221 coaches pursuant to Code Section 20-14-44. Additionally, the Education Turnaround
 222 Advisory Council may submit to the State Board of Education names of potential
 223 candidates for the position of Chief Turnaround Officer and for turnaround coaches. The
 224 Education Turnaround Advisory Council may also provide recommendations and input on
 225 the request for proposals process conducted by the State Board of Education pursuant to
 226 Code Section 20-14-46 to establish a list of approved third parties that may be retained to
 227 assist in the evaluation of schools. The Education Turnaround Advisory Council may have
 228 other responsibilities as assigned by the State Board of Education, but shall have no
 229 authority and shall only be advisory in nature.

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

- 231 (1) The executive director of the Georgia School Boards Association or his or her
 232 designee;
 233 (2) The executive director of the Georgia School Superintendents Association or his or
 234 her designee;
 235 (3) The executive director of the Professional Association of Georgia Educators or his
 236 or her designee;
 237 (4) The executive director of the Georgia Association of Educators or his or her
 238 designee;

- 239 (5) The executive director of the Georgia Association of Educational Leaders or his or
 240 her designee; and
 241 (6) The president of the Georgia Parent Teacher Association.

242 20-14-48.

243 (a) The Joint Study Committee on the Establishment of a State Accreditation Process is
 244 hereby created. The committee shall undertake a study of the advantages and
 245 disadvantages of establishing a state accreditation process for public schools and school
 246 systems in this state, including the resources and structure that would be necessary and any
 247 impediments that would need to be addressed. The committee shall consider the areas that
 248 could be included in a state accreditation process, including student academic achievement,
 249 local board governance, and financial management. The committee should also consider
 250 the possible consequences of losing state accreditation that could be administered, such as
 251 removal of local board of education members. In addition, the committee shall consider
 252 the possibility of establishing a school board review commission.

253 (b) The committee shall be composed of:

254 (1) Three members of the House of Representatives, appointed by the Speaker of the
 255 House of Representatives, one of whom shall be designated by the Speaker to serve
 256 as a cochairperson;

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

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

260 (4) The chairperson of the State Board of Education or his or her designee;

261 (5) The director of the State Charter Schools Commission or his or her designee;

262 (6) The director of the Office of Student Achievement or his or her designee;

263 (7) The chancellor of the University System of Georgia or his or her designee;

264 (8) A local board of education member appointed by the Governor;

265 (9) A local school superintendent appointed by the Governor;

266 (10) A principal appointed by the Governor;

267 (11) A teacher appointed by the Governor; and

268 (12) A parent appointed by the Governor.

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

273 (d) The legislative members of the committee shall receive the allowances provided for
 274 in Code Section 28-1-8. Any citizen members shall receive a daily expense allowance in

275 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
276 transportation allowance authorized for state employees. Any members of the committee
277 who are state officials, other than legislative members, and state employees shall receive
278 no compensation for their services on the committee, but they shall be reimbursed for
279 expenses incurred by them in the performance of their duties as members of the committee
280 in the same manner as they are reimbursed for expenses in their capacities as state officials
281 or employees. The funds necessary for the reimbursement of the expenses of state
282 officials, other than legislative members, and state employees shall come from funds
283 appropriated to or otherwise available to the Department of Education. All other funds
284 necessary to carry out the provisions of this Code section shall come from funds
285 appropriated to the House of Representatives and the Senate.

286 (e)(1) In the event the committee adopts any specific findings or recommendations that
287 include suggestions for proposed legislation, the cochairpersons shall file a report of the
288 same prior to December 31, 2017, subject to paragraph (3) of this subsection.

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

292 (3) No report shall be filed unless the same has been approved prior to
293 December 31, 2017, by majority vote of a quorum of the committee. A report so
294 approved shall be signed by the cochairpersons of the committee and filed with the
295 Secretary of the Senate and the Clerk of the House of Representatives.

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

299 (f) The committee shall stand abolished and this Code section shall stand repealed by
300 operation of law on December 31, 2017.

301 20-14-49.

302 (a) The Joint Study Committee on the Establishment of a Leadership Academy is hereby
303 created. The committee shall study the possibility of establishing a leadership academy
304 housed within the Professional Standards Commission to provide opportunities for
305 principals and other school leaders to update and expand their leadership knowledge and
306 skills. The committee shall study and recommend the scope of a potential leadership
307 academy, including, but not limited to, conducting seminars and workshops, providing
308 onsite technical assistance, focusing on leadership in schools that have unacceptable
309 ratings, criteria for participants and faculty, and any other matters deemed appropriate by
310 the committee. The committee shall identify a process for establishing such leadership

311 academy, which may be known as the Georgia Academic Leadership Academy, with a
312 proposed beginning date of July 1, 2018.

313 (b) The committee shall be composed of:

314 (1) Two members of the House of Representatives, appointed by the Speaker of the
315 House of Representatives, one of whom shall be from the minority party;

316 (2) Two members of the Senate, appointed by the President of the Senate, one of whom
317 shall be from the minority party;

318 (3) The commissioner of the Technical College System of Georgia or his or her
319 designee;

320 (4) The chancellor of the University System of Georgia or his or her designee;

321 (5) The executive director of the Professional Standards Commission or his or her
322 designee; and

323 (6) The following members appointed by the Governor:

324 (A) Two local school superintendents;

325 (B) Two principals;

326 (C) One member of the State Board of Education;

327 (D) One local board of education member;

328 (E) One staff member from the Department of Education; and

329 (F) One member of the Governor's policy staff.

330 The Governor shall designate one of the members as the chairperson.

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

335 (d) The legislative members of the committee shall receive the allowances provided for
336 in Code Section 28-1-8. Any citizen members shall receive a daily expense allowance in
337 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
338 transportation allowance authorized for state employees. Any members of the committee
339 who are state officials, other than legislative members, and state employees shall receive
340 no compensation for their services on the committee, but they shall be reimbursed for
341 expenses incurred by them in the performance of their duties as members of the committee
342 in the same manner and funding as they are reimbursed for expenses in their capacities as
343 state officials or employees. All other funds necessary to carry out the provisions of this
344 Code section shall come from funds appropriated to the House of Representatives and the
345 Senate.

346 (e) The committee shall provide a report of its findings and recommendations, including
347 any proposed legislation that may be necessary, no later than December 1, 2017, to the

348 Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons
 349 of the Senate Education and Youth Committee and the House Committee on Education.
 350 (f) The committee shall stand abolished and this Code section shall stand repealed by
 351 operation of law on December 31, 2017."

352 **PART II**

353 **SECTION 2-1.**

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

356 "20-2-73.

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

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

367 (B) One-half or more of the schools in a local school system have received an
 368 unacceptable rating, based on the chronically failing schools list published annually by
 369 the Office of Student Achievement, for the fifth or more consecutive year, the
 370 Department of Education shall notify the State Board of Education in writing within
 371 three business days of such rating and the State Board of Education shall conduct a
 372 hearing in not less than ten days of such notice nor more than 90 days and recommend
 373 to the Governor whether to suspend all eligible members of the local board of education
 374 with pay; provided, however, that this subparagraph shall be tolled for a local board of
 375 education while under a contract amendment or intervention contract pursuant to Code
 376 Section 20-14-45 so long as such local board of education is in substantial compliance
 377 with the terms of such contract amendment or intervention contract.

378 (2) A majority of the members of a local board of education may petition the State Board
 379 of Education to continue any hearing scheduled under this subsection. Upon a showing
 380 of good cause, the state board may in its sound discretion continue any such hearing.
 381 Notwithstanding any other provision of law, deliberations held by the State Board of
 382 Education pursuant to this subsection to formulate its recommendation to the Governor

383 shall not be open to the public; provided, however, that testimony shall be taken in an
384 open meeting and a vote on the recommendation shall be taken in an open meeting
385 following the hearing or at the next regularly scheduled meeting. If the State Board of
386 Education makes such recommendation, the Governor may, in his or her discretion,
387 suspend all eligible members of the local board of education with pay and, in consultation
388 with the State Board of Education, appoint temporary replacement members who shall
389 be otherwise qualified to serve as members of such board.

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

396 (c) Upon petition for reinstatement by a suspended local board of education member, the
397 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
398 evidence relative to whether the local board of education member's continued service on
399 the local board of education is more likely than not to improve the ability of the local
400 school system or school to retain or reattain its accreditation or to improve the ratings of
401 the schools in the local school system so that less than one-half of the schools in such local
402 school system receive an unacceptable rating in subsequent years. The appealing member
403 shall be given at least 30 days' notice prior to such hearing. Such hearing shall be held not
404 later than 90 days after the petition is filed and in accordance with Chapter 13 of Title 50,
405 the 'Georgia Administrative Procedure Act,' except that the individual conducting the
406 hearing shall have the power to call witnesses and request documents on his or her own
407 initiative. For purposes of said chapter and any hearing conducted pursuant to this Code
408 section, the Governor shall be considered the agency, and the Attorney General or his or
409 her designee shall represent the interests of the Governor in the hearing. If it is determined
410 that it is more likely than not that the local board of education member's continued service
411 on the local board of education improves the ability of the local school system or school
412 to retain or reattain its accreditation or to improve the ratings of the schools in the local
413 school system so that less than one-half of the schools in such local school system receive
414 an unacceptable rating in subsequent years, the member shall be immediately reinstated;
415 otherwise, the member shall be permanently removed, and the temporary replacement
416 member shall become a permanent member and serve out the remainder of the term of the
417 removed member or until the next general election which is at least six months after the
418 member was permanently removed, whichever is sooner. Judicial review of any such
419 decision shall be in accordance with Chapter 13 of Title 50.

420 (d)(1) Subparagraph (B) of paragraph (1) of subsection ~~Subsection~~ (a) of this Code
 421 section shall apply to a local school system or school which is placed on the level of
 422 accreditation immediately preceding loss of accreditation on or after April 20, 2011.

423 (2) Subparagraph (B) of paragraph (1) of subsection (a) of this Code section shall apply
 424 to a local school system which receives, on or after July 1, 2017, an unacceptable rating
 425 for one-half or more of the schools in the local school system for the fifth or more
 426 consecutive year.

427 (e) For purposes of this Code section, an eligible member of a local board of education
 428 shall mean a board member who:

429 (1) Was ~~was~~ serving on the local board at the time the accrediting agency placed the
 430 local school system or school on the level of accreditation immediately preceding loss of
 431 accreditation; or

432 (2) Was serving on the local board at the time the local school system received an
 433 unacceptable rating for one-half or more of the schools in the local school system for the
 434 fifth or more consecutive year and had served on the local board for at least the
 435 immediately preceding two years.

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

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

445 **SECTION 2-2.**

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

448 "20-2-83.

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

451 (b) The terms of the contract shall include, but not be limited to, accountability, flexibility,
 452 and consequences components as negotiated pursuant to subsection (a) of Code Section
 453 20-2-82 and in accordance with Code Section 20-2-84.

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

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

460 **SECTION 2-3.**

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

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

472 **SECTION 2-4.**

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

476 "(b) The initial term of a charter, except for a charter system, shall be for a minimum of
 477 five years, unless the petitioner shall request a shorter period of time, and shall not exceed
 478 ten years. The local board and the state board, in accordance with Code Section
 479 20-2-2064.1, may renew a local charter, upon the request of the charter school, for the
 480 period of time specified in the request, not to exceed ten years. The state board may renew
 481 a state chartered special school, upon the request of the school, for the period of time
 482 specified in the request, not to exceed ten years. The initial term of a charter for a charter
 483 system shall not exceed ~~five~~ six years. The state board may renew the charter of a charter
 484 system, upon the request of the local board, for the period of time specified in the request,
 485 not to exceed ten years."

486 **SECTION 2-5.**

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

490 "(h)(1) The State Board of Education shall prepare an annual report detailing the schools
491 that have received an unacceptable rating for one or more consecutive years and the
492 interventions applied to each such school pursuant to Code Section 20-14-41.

493 (2) The State Board of Education shall provide the annual report no later than December
494 31 for the previous academic year, to the Governor, the Lieutenant Governor, the Speaker
495 of the House of Representatives, the chairpersons of the House Committee on Education
496 and the Senate Education and Youth Committee, and the Education Turnaround Advisory
497 Committee."

498 **PART III**499 **SECTION 3-1.**

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