House Bill 338 (AS PASSED HOUSE AND SENATE)
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

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to provide for a system of supports and assistance for the lowest-performing schools identified as in the greatest need of assistance; to provide for a Chief Turnaround Officer; to provide for turnaround coaches; to provide for consultation with the State School Superintendent; to provide for a definition for "turnaround eligible schools"; to provide for the identification of the schools in the greatest need of assistance; to provide for contract amendments and interventions; to provide for third-party specialists; to provide for a comprehensive on-site evaluation and recommendations; to provide for the development of an intensive school improvement plan; to provide for supports for low-performing students; to provide for grants by the Office of Student Achievement; to provide for implementation of an intensive school improvement plan; to provide for interventions if the school does not improve; to provide for an Education Turnaround Advisory Council; to provide for biannual reports; to provide for the creation of the Joint Study Committee on the Establishment of a State Accreditation Process; to provide for its membership and duties; to provide for the creation of the Joint Study Committee on the Establishment of a Leadership Academy; to provide for its membership and duties; to provide for removal of members of a local board of education if one-half or more of the schools in the local school system are turnaround eligible schools for five or more consecutive years; to provide for temporary replacement members; to provide for petitions for reinstatement; to provide for a hearing; to revise provisions relating to contracts for strategic waivers school systems; to revise provisions relating to charters for charter systems; to provide for annual reports; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
PART I

SECTION 1-1.

This Act shall be known and may be cited as the "First Priority Act – Helping Turnaround Schools Put Students First."

PART II

SECTION 2-1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by adding a new part to Article 2 of Chapter 14, relating to education accountability assessment programs, to read as follows:

Part 3A

20-14-43.

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

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

(1) Extensive personal experience in turning around low-performing schools, including expertise in turnaround strategies, curriculum, instruction, and teacher and principal effectiveness;

(2) Has held the position of at least principal or a higher administrative position in a public school system for a minimum of five years with demonstrated skills in school management, budget, finance, federal and state programs, funding sources, and talent management; and

(3) Such additional education, experience, and other qualifications as determined by the State Board of Education.

(c) The duties of the Chief Turnaround Officer shall include, but are not limited to:

(1) Managing and overseeing a system of supports and assistance for the lowest-performing schools in this state identified as in the greatest need of assistance;

(2) Identifying resources, including the establishment of a resource list of evidence based strategies and integrated student services, and consulting with regional educational...
service agencies to determine specific expertise and resources available at each such regional educational service agency directly relating to school turnaround;

(3) Annually establishing a list of third-party specialists, including auditors and consultants, to assist schools and local school systems in conducting comprehensive on-site evaluations of schools to determine the root causes of low performance and lack of progress, to assist schools and local school systems in the implementation of intensive school improvement plans, or to provide any of the necessary support services as specified in the engagement letter or contract. Such list of third-party specialists shall be established through a request for proposals process and approved by the State Board of Education. Such request for proposals shall be designed with input from the Education Turnaround Advisory Council;

(4) Coordinating with the school improvement division within the Department of Education and coordinating and working with the State School Superintendent and the Office of Student Achievement to identify all state resources and supports available to the lowest-performing schools in the greatest need of assistance;

(5) Identifying turnaround coaches pursuant to Code Section 20-14-44 to serve as the assigned state site liaison in the school improvement process;

(6) Building school level leadership capabilities in cooperation with agencies and organizations that have experience and capacity and providing leadership development opportunities for principals and other school level leaders in turnaround eligible schools selected by the Chief Turnaround Officer; and

(7) Identifying best practices for school turnaround, including identifying those practices that are not successful in improving student outcomes, and sharing such information with local school systems and schools in this state.

(d) The Chief Turnaround Officer, the State School Superintendent, and the staff and all divisions of the Department of Education shall work collaboratively and shall coordinate as necessary to facilitate the implementation of this part. The Department of Education shall establish the state plan pursuant to the federal Every Student Succeeds Act in a manner that pursues and allows maximum flexibility to implement the provisions of this part.

20-14-44.

(a) The Chief Turnaround Officer, after consulting with the State School Superintendent, shall recommend individuals experienced in turning around schools that have similar needs and characteristics as those schools identified pursuant to Code Section 20-14-45, to serve as turnaround coaches, subject to approval by the state board.
(b) Turnaround coaches shall assist schools that are identified as in the greatest need of assistance pursuant to Code Section 20-14-45 with ongoing assistance and input and shall serve as contract managers to ensure conformance to contract terms. Turnaround coaches shall be assigned to one or more schools which are under a contract amendment or intervention contract pursuant to Code Section 20-14-45.

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

20-14-45.

(a) As used in this Code section, the term 'turnaround eligible schools' means the schools that have performed in the lowest 5 percent of schools in this state identified in accordance with the statewide accountability system established in the state plan pursuant to the federal Every Student Succeeds Act.

(b) The Chief Turnaround Officer, in conjunction with the Department of Education and the Office of Student Achievement, shall annually identify the lowest-performing schools that are deemed to be in the greatest need of assistance based on a list of turnaround eligible schools prepared annually by the Office of Student Achievement. If the Chief Turnaround Officer, after consulting with Department of Education staff and the State School Superintendent, determines that the capacity and resources available to the Chief Turnaround Officer and to the Department of Education are insufficient to serve all schools on the turnaround eligible schools list, the Chief Turnaround Officer may select a subset of such schools based on the following factors:

1. Whether the school's rating has been improving or declining over the previous three years, based on the statewide accountability system;
2. Whether the contract for strategic waivers school systems or the charter for charter systems adequately addresses the school's deficiencies;
3. Whether the school is in a local school system with a recent accreditation report showing deficiencies in system level governance, school level leadership, system and school level resource utilization, or school level achievement, including the areas of reading and mathematics proficiencies;
4. Whether the school is located in a local school system in which one-half or more of the schools are on the turnaround eligible schools list for the fifth or more consecutive year;
5. Whether the school is in close proximity to a school that will be served pursuant to paragraphs (1), (2), (3), or (4) of this subsection; and
6. Any other factors deemed appropriate by the Chief Turnaround Officer.
(c) The Chief Turnaround Officer shall extend an opportunity to the local boards of education for each school identified pursuant to subsection (b) of this Code section to amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers school systems or to amend the charter, for charter systems. The amendment shall be for the purposes of agreeing to receive assistance pursuant to this part for such identified school or schools. For any such local board of education that is offered the opportunity to amend its system contract or charter but that does not sign an amendment within 60 days of being offered the amendment or that declines to sign an amendment, the State Board of Education shall within 60 days either implement one or more of the interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school or terminate the system contract or charter as allowed by the terms of such contract or charter.

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

(e) For any school on the turnaround eligible school list which is not selected as part of the subset of schools to be assisted by the Chief Turnaround Officer due to insufficient capacity and resources, the Department of Education, through its school improvement division, shall begin or continue focused supports and a pre-diagnostic review utilizing all relevant data held at the state level as it relates to the local school system and school, including financial audits, funding allotments, federal funds, state assessment data, and the most recent local school system accreditation report regarding system level governance and leadership, resource utilization, teaching and learning effectiveness, and academic achievement.

20-14-46.

(a) Within 30 days of entering into a contract amendment or intervention contract between the State Board of Education and a local board of education pursuant to Code Section 20-14-45, the local board of education shall, in consultation with the turnaround coach, select a third-party specialist to conduct a comprehensive on-site diagnostic review in cooperation with the regional educational service agency and the turnaround coach of the school to determine the root causes of low performance and lack of progress. Such
(b) Within 90 days of entering into a contract amendment or intervention contract between the State Board of Education and a local board of education, the turnaround coach, in partnership with the regional educational service agency, shall ensure that the local board of education and the third-party specialist have completed a comprehensive on-site evaluation of the school to determine the root causes of the school's low performance and lack of progress. The comprehensive on-site diagnostic review shall include a leadership assessment to determine the capacity of the school leader to lead the turnaround efforts, as well as a review of system level support and interventions, including central office policies and supports, technical assistance and guidance, financial management, and appropriate use of resources in accordance with approved waivers under the system charter or contract.

(c) Based on the comprehensive on-site evaluation, the turnaround coach, in partnership with the regional educational service agency, shall recommend actions, which may include, but not be limited to, reallocation of resources and technical assistance, changes in school procedures or operations, professional learning focused on student achievement for instructional and administrative staff, intervention for individual administrators or teachers, instructional strategies based on scientifically based research, additional waivers from state statutes or rules, adoption of policies and practices to ensure all groups of students meet the state's proficiency level, extended instruction time for low-performing students, strategies for parental involvement, incorporation of a teacher mentoring program, smaller class size for low-performing students, or other actions deemed appropriate.

(d) Based on the evaluation and recommendations and after public input from parents and the community, the school shall develop an intensive school improvement plan, approved by the Chief Turnaround Officer, that specifically addresses the academic insufficiencies identified by the school's rating in the single state-wide accountability system. The local board of education shall not be eligible for supplemental funding to support the implementation of the plan unless such local board demonstrates financial need based on
its most current annual budget and the results of the most recent audit. The local board of
education shall coordinate the hiring and contract renewal process for personnel and the
allocation of school resources to support such plan. In developing the timelines in the
intensive school improvement plan, the school shall take into consideration the budget
cycles, employment contract deadlines, and other appropriate factors relating to the
planning process. The school, with the support of the local board of education, local school
superintendent, and principal, shall implement the plan with ongoing input and assistance
from the Chief Turnaround Officer and performance monitoring by the turnaround coach.

20-14-47.

(a) Within the first 60 instructional days of the school year of a contract amendment or
intervention contract pursuant to Code Section 20-14-45, turnaround coaches shall
coordinate with each school to conduct individual assessments of those students who have
been identified as low-performing and shall coordinate with schools to provide the
following interventions, as agreed to by the turnaround coach and the school and based on
available funding and resources, including the reallocation of existing resources and grant
funding, if available, pursuant to subsection (c) of Code Section 20-14-48:

(1) Screen all students to diagnose the factors for low performance, including, but not
limited to, reading development and comprehension, math proficiencies, physical health,
mental health, access to the Internet or other ancillary supports to out-of-school learning
activities expected of students and evaluate all available records to address nonacademic
barriers to learning in the lowest-performing schools; and

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

(b) Turnaround coaches shall assist local boards of education in identifying integrated
student services utilizing the list of resources established by the Chief Turnaround Officer
pursuant to paragraph (2) of subsection (c) of Code Section 20-14-43. Local boards of
education, in coordination with the turnaround coaches and the local school administration,
shall create local collaborations to address personal and community conditions, which shall
include the needs, issues, and problems within the communities of such school or schools,
such as poverty, lack of economic development, safety, transportation options for parents
and students, adult educational opportunities, wellness, and mental health services, and
shall, in consultation with the turnaround coach, identify state and community resources
that are available or that could be built upon, reallocated, or repurposed to address the
issues impacting such school or schools.

20-14-48.  
(a) The State Board of Education shall ensure that all necessary department resources and
supports are made available for full implementation of this part, including, but not limited
to, the implementation of the intensive school improvement plans established pursuant to
Code Section 20-14-46 for schools for which a local board of education has entered into
a contract amendment or intervention contract with the State Board of Education pursuant
to Code Section 20-14-45. Further, the State Board of Education shall ensure that such
schools receive priority for the receipt of federal and state funds available to the
Department of Education to the fullest extent possible under federal and state law,
including, but not limited to, federal school improvement grants and Title I funds. The
State Board of Education shall also pursue maximum flexibility in applying for and
expending federal funds, including, but not limited to, the consolidation of all federal, state,
and local funds in compliance with federal law.
(b) The Office of Student Achievement shall give priority to schools for which a local
board of education has entered into a contract amendment or intervention contract with the
State Board of Education pursuant to Code Section 20-14-45 when awarding grants
pursuant to subsection (b.1) of Code Section 20-14-26.1 or any other grants administered
by the office.
(c)(1) The Office of Student Achievement shall be authorized to provide for grants,
subject to appropriations, to assist schools in local school systems under a contract
amendment or intervention contract pursuant to Code Section 20-14-45 with
demonstrated financial need in:
   (A) Retaining the services of a third-party specialist to assist in the implementation of
   an intensive school improvement plan developed pursuant to Code Section 20-14-46
   or to provide any other support services deemed necessary pursuant to such plan;
   (B) Assessing low-performing students and obtaining specified supports for such
   students as delineated in subsection (a) of Code Section 20-14-47; or
   (C) Both subparagraph (A) and subparagraph (B) of this paragraph.
(2) A school under a contract amendment or intervention contract pursuant to Code
Section 20-14-45 with a demonstrated financial need may, upon consultation with the
turnaround coach for the school, request grant funds pursuant to this subsection. Upon
approval by the Chief Turnaround Officer, the grant request may be submitted to the

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Office of Student Achievement. The award of any grant funds shall be at the discretion of the Office of Student Achievement, including the amount of any such grant funds awarded. The Office of Student Achievement shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this subsection, including criteria for a local school system to demonstrate financial need.

20-14-49.

(a) If after three school years of implementing the intensive school improvement plan developed pursuant to Code Section 20-14-46, the school is not improving, as determined by the Chief Turnaround Officer based on the terms of the amended contract, amended charter, or the intervention contract and on other applicable factors, the Chief Turnaround Officer shall require that one or more of the following interventions be implemented at the school, unless the school is in substantial compliance with the implementation of the intensive school improvement plan and has exhibited ongoing cooperation and collaboration:

1. Continued implementation of the intensive school improvement plan developed pursuant to Code Section 20-14-46;

2. Removal of school personnel, which may include the principal and personnel whose performance has been determined to be insufficient to produce student achievement gains;

3. Implementation of a state charter school or a special school, as defined in Code Section 20-2-2062;

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

5. Operation of the school by a private nonprofit third-party operator selected and contracted by the local board of education;

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

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

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

(9) Any other interventions or requirements deemed appropriate by the Chief Turnaround Officer and the State Board of Education for the school and in accordance with the amended contract, amended charter, or intervention contract, except that operation of the school by a for profit entity shall be prohibited.

(b) Before the implementation of any interventions required by the Chief Turnaround Officer pursuant to subsection (a) of this Code section for a school, the local board of education may request an opportunity for a hearing before the State Board of Education to show cause as to why an intervention or interventions imposed by the Chief Turnaround Officer for a school should not be required or that alternative interventions would be more appropriate. Such request shall be made no later than 30 days after notification by the Chief Turnaround Officer of the intended interventions. The State Board of Education shall take into consideration the substantial compliance of the school in the implementation of the intensive school improvement plan and the ongoing cooperation and collaboration exhibited by the school. The State Board of Education shall make a determination on any such request no later than 60 days after receipt of such request. The determination of the State Board of Education shall be the final decision.

20-14-49.1.

(a) There is created the Education Turnaround Advisory Council which shall report to the State Board of Education. The Education Turnaround Advisory Council shall be composed of:

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

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

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

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

(5) The executive director of the Georgia Association of Educational Leaders or his or her designee;

(6) The president of the Georgia Parent Teacher Association;

(7) The executive director of Educators First or his or her designee; and
(8) Education leaders representing local school superintendents, local boards of
education, teachers, business leaders, or other appropriate individuals with interest in
public education appointed as follows:

(A) Two education leaders appointed by the Lieutenant Governor; and

(B) Two education leaders appointed by the Speaker of the House of Representatives.

(b) The chairperson of the State Board of Education shall cause the council to be convened
no later than 30 days after the last appointment is made to the council. The council shall
select a chairperson from among its membership.

c) The Education Turnaround Advisory Council shall be authorized to:

(1) Submit to the State Board of Education names of potential candidates for the position
of Chief Turnaround Officer and for turnaround coaches;

(2) Recommend school turnaround resources and potential turnaround experts to be
added to resource lists;

(3) Provide advisement on the development of state-wide assessment tools;

(4) Provide advisement to the State School Superintendent and Chief Turnaround
Officer, as necessary;

(5) Provide recommendations and input on the request for proposals process conducted
pursuant to paragraph (3) of subsection (c) of Code Section 20-14-43 to establish a list
of approved third-party specialists that may be retained to assist in the evaluation of
schools; and

(6) Perform such other duties as assigned by the State Board of Education.

d) The Education Turnaround Advisory Council shall have no authority and shall only be
advisory in nature.

20-14-49.2.

(a) The Chief Turnaround Officer shall prepare a written biannual update on the status of
each school that is under a contract amendment or intervention contract pursuant to Code
Section 20-14-45. The Chief Turnaround Officer shall provide such biannual reports no
later than February 1 and August 1 of each year to the chairpersons of the House
Committee on Education and the Senate Education and Youth Committee and to the
Education Turnaround Advisory Committee. The report due no later than February 1 may
be in the form of an executive summary. The report due no later than August 1 shall
include detailed information regarding the status, progress, and any interventions imposed
on the schools that are under a contract amendment or intervention contract pursuant to
Code Section 20-14-45.

(b) The Chief Turnaround Officer shall annually meet with the Governor, the Lieutenant
Governor, the Speaker of the House of Representatives, the chairpersons of the House
Committee on Education and the Senate Education and Youth Committee, the State School Superintendent, and the Education Turnaround Advisory Council to present the findings in the detailed report prepared pursuant to subsection (a) of this Code section.

20-14-49.3.
(a) The Joint Study Committee on the Establishment of a State Accreditation Process is hereby created. The committee shall undertake a study regarding the potential establishment of a state accreditation process for public schools and school systems in this state, including the resources and structure that would be necessary, any impediments that would need to be addressed, and the interaction with existing private accreditation agencies. The study shall include analysis of aligning accreditation review with charter or contract renewal for charter systems and strategic waivers school systems, respectively. The committee shall consider the establishment of a state process for the annual review of system charters and contracts, including student academic achievement, local board governance, and financial management. The committee should also consider the possible consequences of losing state accreditation that could be administered, such as removal of local board of education members and loss of system charter or contract. In addition, the committee shall consider the possibility of establishing a school board review commission.

(b) The committee shall be composed of:

1. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, one of whom who shall be designated by the Speaker to serve as a cochairperson;

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

3. The State School Superintendent or his or her designee;

4. The chairperson of the State Board of Education or his or her designee;

5. The director of the State Charter Schools Commission or his or her designee;

6. The director of the Office of Student Achievement or his or her designee;

7. The chancellor of the University System of Georgia or his or her designee; and

8. The following members appointed by the Governor:

(A) A local board of education member;

(B) A local school superintendent;

(C) A principal;

(D) A teacher; and

(E) A parent.

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

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

e) The committee shall provide a report of its findings and recommendations, including any proposed legislation that may be necessary, no later than December 1, 2017, to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate Education and Youth Committee and the House Committee on Education.

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

20-14-49.4.

(a) The Joint Study Committee on the Establishment of a Leadership Academy is hereby created. The committee shall study the possibility of establishing a leadership academy to provide opportunities for principals and other school leaders to update and expand their leadership knowledge and skills. The committee shall study and recommend the scope of a potential leadership academy, including, but not limited to, conducting seminars and workshops, providing onsite technical assistance, focusing on leadership in schools that have unacceptable ratings, criteria for participants and faculty, and any other matters deemed appropriate by the committee. The committee shall identify a process for establishing such leadership academy, which may be known as the Georgia Academic Leadership Academy, with a proposed beginning date of July 1, 2018.

(b) The committee shall be composed of:

(1) Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, one of whom shall be from the minority party:
(2) Two members of the Senate, appointed by the President of the Senate, one of whom shall be from the minority party;

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

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

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

(6) The following members appointed by the Governor:

(A) Two local school superintendents;

(B) Two principals;

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

(D) One local board of education member;

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

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

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

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

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

e. The committee shall provide a report of its findings and recommendations, including any proposed legislation that may be necessary, no later than December 1, 2017, to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate Education and Youth Committee and the House Committee on Education.
(f) The committee shall stand abolished and this Code section shall stand repealed by operation of law on December 31, 2017.’

PART III

SECTION 3-1.

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

20-2-73.

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

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

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

(2) A majority of the members of a local board of education may petition the State Board of Education to continue any hearing scheduled under this subsection. Upon a showing of good cause, the state board may in its sound discretion continue any such hearing. Notwithstanding any other provision of law, deliberations held by the State Board of Education pursuant to this subsection to formulate its recommendation to the Governor shall not be open to the public; provided, however, that testimony shall be taken in an
open meeting and a vote on the recommendation shall be taken in an open meeting
following the hearing or at the next regularly scheduled meeting. If the State Board of
Education makes such recommendation, the Governor may, in his or her discretion,
suspend all eligible members of the local board of education with pay and, in consultation
with the State Board of Education, appoint temporary replacement members who shall
be otherwise qualified to serve as members of such board.
(b) Any local board of education member suspended under this Code section may petition
the Governor for reinstatement no earlier than 30 days following suspension and no later
than 60 days following suspension. In the event that a suspended member does not petition
for reinstatement within the allotted time period, his or her suspension shall be converted
into permanent removal, and the temporary replacement member shall become a permanent
member and serve out the remainder of the term of the removed member.
(c) Upon petition for reinstatement by a suspended local board of education member, the
Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
evidence relative to whether the local board of education member's continued service on
the local board of education is more likely than not to improve the ability of the local
school system or school to retain or reattain its accreditation or to improve the ratings of
the schools in the local school system so that less than one-half of the schools in such local
school system are on the turnaround eligible schools list in subsequent years. The
appealing member shall be given at least 30 days' notice prior to such hearing. Such
hearing shall be held not later than 90 days after the petition is filed and in accordance with
Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that the
individual conducting the hearing shall have the power to call witnesses and request
documents on his or her own initiative. For purposes of said chapter and any hearing
conducted pursuant to this Code section, the Governor shall be considered the agency, and
the Attorney General or his or her designee shall represent the interests of the Governor in
the hearing. If it is determined that it is more likely than not that the local board of
education member's continued service on the local board of education improves the ability
of the local school system or school to retain or reattain its accreditation or to improve the
ratings of the schools in the local school system so that less than one-half of the schools in
such local school system are on the turnaround eligible schools list in subsequent years, the
member shall be immediately reinstated; otherwise, the member shall be permanently
removed, and the temporary replacement member shall become a permanent member and
serve out the remainder of the term of the removed member or until the next general
election which is at least six months after the member was permanently removed,
whichever is sooner. Judicial review of any such decision shall be in accordance with
Chapter 13 of Title 50.
(d)(1) Subparagraph (B) of paragraph (1) of subsection Subsection (a) of this Code section shall apply to a local school system or school which is placed on the level of accreditation immediately preceding loss of accreditation on or after April 20, 2011.

(2) Subparagraph (B) of paragraph (1) of subsection (a) of this Code section shall apply to a local school system which, on or after July 1, 2017, has one-half or more of the schools in the local school system on the turnaround eligible schools list for the fifth or more consecutive year.

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

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

(2) Was serving on the local board at the time the local school system had one-half or more of the schools in the local school system on the turnaround eligible schools list for the fifth or more consecutive year and had served on the local board for at least the immediately preceding two years.

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

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

SECTION 3-2.

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

"20-2-83.

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

(b) The terms of the contract shall include, but not be limited to, accountability, flexibility, and consequences components as negotiated pursuant to subsection (a) of Code Section 20-2-82 and in accordance with Code Section 20-2-84.
(c) Each contract shall be for a term of five six years. The terms of the contract may provide for automatic extension of such contract if a local school system has met its accountability requirements.

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

SECTION 3-3.

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

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

SECTION 3-4.

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

"(b) The initial term of a charter, except for a charter system, shall be for a minimum of five years, unless the petitioner shall request a shorter period of time, and shall not exceed ten years. The local board and the state board, in accordance with Code Section 20-2-2064.1, may renew a local charter, upon the request of the charter school, for the period of time specified in the request, not to exceed ten years. The state board may renew a state chartered special school, upon the request of the school, for the period of time specified in the request, not to exceed ten years. The initial term of a charter for a charter system shall not exceed five six years. The state board may renew the charter of a charter system, upon the request of the local board, for the period of time specified in the request, not to exceed ten years."
Said title is further amended by adding a new subsection to Code Section 20-14-41, relating to appropriate levels of intervention for failing schools, master or management team, school improvement team, annual reports, data revision, and hearing, to read as follows:

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

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

PART IV

SECTION 4-1.

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