

COMMITTEES OF CONFERENCE SUBSTITUTE TO SB 68

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 strengthen provisions relating to the financial management of local school systems; to
 3 provide for training for local board of education members and local school superintendents
 4 on financial management; to provide for monthly reporting to the local board of education
 5 on the financial stability of the local school system; to provide for designation by the
 6 Department of Audits and Accounts of high-risk local school systems and moderate-risk
 7 local school systems based on annual audits; to provide for financial management provisions
 8 in flexibility contracts and system charters; to provide for appointment of the Chief
 9 Turnaround Officer by the Governor; to provide for the role of the State School
 10 Superintendent in identifying turnaround eligible schools; to repeal a provision relating to
 11 grants to assist schools with demonstrated financial need; to provide for annual reporting by
 12 the Chief Turnaround Officer; to provide a separate appeals process for certain performance
 13 ratings contained in personnel evaluations for teachers who accepted a school year contract
 14 for the fourth or subsequent consecutive school year; to provide for the establishment of
 15 appeals policies by local units of administration; to provide for appeals hearings to be
 16 conducted by independent third parties or system administrators; to require local units of
 17 administration to submit copies of their complaint policies to the Department of Education;
 18 to require local boards of education to have a public comment period at every meeting; to
 19 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
 20 for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22

PART I

23

SECTION 1-1.

24 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
 25 revising Code Section 20-2-49, relating to standards for local board of education members,
 26 as follows:

27 "20-2-49.

28 The General Assembly finds that local boards of education play a critical role in setting the
 29 policies that lead to the operation and success of local school systems. School board
 30 members hold special roles as trustees of public funds, including local, state, and federal
 31 funds, while they focus on the singular objective of ensuring each student in the local
 32 school system receives a quality basic education. Board duties require specialized skills
 33 and training in the performance of vision setting, policy making, approving multimillion
 34 dollar budgets, financial management, and hiring a qualified superintendent. The
 35 motivation to serve as a member of a local board of education should be the improvement
 36 of schools and academic achievement of all students. Service on a local board of education
 37 is important citizen service. Given the specialized nature and unique role of membership
 38 on a local board of education, this elected office should be characterized and treated
 39 differently from other elected offices where the primary duty is independently to represent
 40 constituent views. Local board of education members should abide by a code of conduct
 41 and conflict of interest policy modeled for their unique roles and responsibilities. And
 42 although there are many measures of the success of a local board of education, one is
 43 clearly essential: maintaining accreditation and the opportunities it allows the school
 44 system's students."

45

SECTION 1-2.

46 Said title is further amended by revising subsection (e) of Code Section 20-2-51, relating to
 47 election of local board of education members, persons ineligible to be members or
 48 superintendent, ineligibility for local boards of education, and ineligibility for other elective
 49 offices, as follows:

50 "(e) In addition to any other requirements provided by law, no person shall be eligible for
 51 election as a member of a local board of education unless he or she:

- 52 (1) Has read and understands the code of ethics and the conflict of interest provisions
 53 applicable to members of local boards of education and has agreed to abide by them; ~~and~~
 54 (2) Has agreed to annually disclose compliance with the State Board of Education's
 55 policy on training for members of local boards of education, the code of ethics of the

56 local board of education, and the conflict of interest provisions applicable to members of
57 local boards of education; and

58 (3) Has completed all prior annual training requirements established by the local board
59 of education and the State Board of Education pursuant to Code Section 20-2-230 if such
60 person is eligible for reelection as a member of the local board of education.

61 Each person offering his or her candidacy for election as a member of a local board of
62 education shall file an affidavit with the officer before whom such person has qualified for
63 such election prior to or at the time of qualifying, which affidavit shall affirm that he or she
64 meets all of the qualifications required pursuant to this subsection. This subsection shall
65 apply only to local board of education members elected or appointed on or after July 1,
66 2010."

67 **SECTION 1-3.**

68 Said title is further amended by revising Code Section 20-2-58, relating to regular monthly
69 meeting of local boards, adjournment, temporary presiding officer, and notice of date, as
70 follows:

71 "20-2-58.

72 (a) It shall be the duty of each local board of education to hold a regular meeting during
73 each calendar month for the transaction of business pertaining to the public schools and to
74 review the financial status of the local school system. Any such meeting may be adjourned
75 from time to time, and, in the absence of the president or secretary, the members of the
76 local board may appoint one of their own number to serve temporarily. The local board
77 shall annually determine the date of its meeting and shall publish it either in the official
78 county organ or, at the option of the local board of education, in a newspaper having a
79 general circulation in said county at least equal to that of the official county organ for two
80 consecutive weeks following the setting of the date; provided, however, that the date shall
81 not be changed more often than once in 12 months and, if changed, the new date shall also
82 be published as provided in this Code section.

83 (b) The State Board of Education shall create a template for local boards of education to
84 use to review the financial status of their local school systems, which shall include, at a
85 minimum, a statement of revenues, expenditures, and encumbrances."

86 **SECTION 1-4.**

87 Said title is further amended by revising Code Section 20-2-61, relating to fundamental roles
88 of local boards of education and local school superintendents, as follows:

89 "20-2-61.

90 (a) The fundamental role of a local board of education shall be to establish policy for the
 91 local school system with the focus on student achievement. The fundamental role of a
 92 local school superintendent shall be to implement the policy established by the local board.
 93 It shall not be the role of the local board of education or individual members of such board
 94 to micromanage the superintendent in executing his or her duties, but it shall be the duty
 95 of the local board to hold the local school superintendent accountable in the performance
 96 of his or her duties; provided, however, that requesting and reviewing financial data and
 97 documents shall not constitute micromanaging. Local board of education members should
 98 work together with the entire local board of education and shall not have authority as
 99 independent elected officials but shall only be authorized to take official action as members
 100 of the board as a whole. Nothing in this subsection shall be construed to alter, limit,
 101 expand, or enlarge any powers, duties, or responsibilities of local boards of education, local
 102 board members, or local school superintendents.

103 (b) Except as may be allowed by law, no local board of education shall delegate or attempt
 104 to delegate its policy-making functions."

105

SECTION 1-5.

106 Said title is further amended by revising Code Section 20-2-67, relating to local school
 107 system or school subject to corrective action plan for budget deficit, financial operations
 108 form, publication, and mailing to Department of Education and local governing body, as
 109 follows:

110 "20-2-67.

111 (a) When an audit by the Department of Audits and Accounts finds and reports
 112 irregularities or budget deficits in the fund accounting information regarding a local school
 113 system or a school within the local school system, the Department of Audits and Accounts
 114 shall report the findings of irregularities or budget deficits to the State Board of Education
 115 and the local board of education. The Department of Audits and Accounts shall designate
 116 local school systems that have had reported irregularities or budget deficits for three or
 117 more consecutive years as high-risk local school systems and shall designate local school
 118 systems that have had reported irregularities or budget deficits for one year or two
 119 consecutive years as moderate-risk local school systems.

120 (b) The State Board of Education shall inform the superintendent of the local school
 121 system of the irregularities or budget deficits regarding a local school system's or a school's
 122 fund accounting information, including if a local school system has been designated as a
 123 high-risk local school system or moderate-risk local school system. The superintendent
 124 shall submit to the Department of Education a response to the findings and a corrective

125 action plan approved by the local board of education at a board meeting within 120 days
 126 of receiving notice of designation as a high-risk local school system or moderate-risk local
 127 school system, as defined by rules and regulations adopted by the State Board of Education
 128 designed to correct the financial irregularities or budget deficits for the school or school
 129 system. From the time such irregularity or budget deficit is discovered until the time it is
 130 eliminated, the local school superintendent shall present to each member of the local board
 131 of education for his or her review and written acknowledgment a monthly report containing
 132 all anticipated expenditures by budget function for such school or school system during the
 133 current month. The report shall be presented to local board members on or before the tenth
 134 business day of each month. Each monthly report shall be signed by each member of that
 135 local board and recorded and retained in the minutes of the meeting of the local board of
 136 education.

137 (c) Not later than September 30 of the year, each local board of education shall cause to
 138 be published in the official county organ wherein the local school system is located once
 139 a week for two weeks a statement of actual financial operations for such schools or school
 140 system identified by the Department of Audits and Accounts as having financial
 141 irregularities. Such statement of actual financial operations shall be in a form to be
 142 specified and prescribed by the state auditor for the purpose of indicating the current
 143 financial status of the schools or school system. Prior to publication, such form shall be
 144 executed by the local board of education and signed by each member of said board and the
 145 local school superintendent.

146 (d) A copy of the actual financial operations form required to be published by
 147 subsection (c) of this Code section shall be mailed by each local board of education to the
 148 Department of Education and the local county board of commissioners or local municipal
 149 governing authority. A current copy of said form shall be maintained on file in the central
 150 administrative office of the local school system for public inspection for a period of at least
 151 two years from the date of its publication. Copies of the statement shall be made available
 152 on request."

153 **SECTION 1-6.**

154 Said title is further amended by revising Code Section 20-2-82, relating to contract terms for
 155 local school systems requesting flexibility, as follows:

156 "20-2-82.

157 (a) The local board of education and the department shall enter into negotiations on the
 158 appropriate terms of the contract, including the accountability, flexibility, and
 159 consequences components of the contract in accordance with Code Section 20-2-84, in

160 consultation with the Office of Student Achievement. The accountability, flexibility, and
161 consequences components may vary between schools and clusters.

162 (b) The flexibility requested by a local school system pursuant to subsection (b) of Code
163 Section 20-2-84 shall result in consequences in accordance with subsection (c) of Code
164 Section 20-2-84 and Code Section 20-2-84.1 for noncompliance with the accountability
165 requirements established pursuant to subsection (a) of Code Section 20-2-84.

166 (c) The department, in consultation with the Office of Student Achievement, shall make
167 a recommendation to the state board on whether the proposed terms of the contract should
168 be approved by the state board. Such proposed terms of the contract shall require that a
169 local school system has not been designated as a high-risk local school system by the
170 Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been
171 designated as a high-risk local school system, the contract shall require that the local school
172 system has a written corrective action plan in place and that local school system board
173 members and appropriate personnel participate in required training to address the
174 deficiencies.

175 (d)(1) The state board shall have the authority to approve or deny approval of the
176 proposed terms of the contract but shall give all due consideration to the recommendation
177 and input from the Office of Student Achievement.

178 (2) In the event that the state board denies approval of the proposed terms of the contract,
179 the local board of education shall work with the department, in consultation with the
180 Office of Student Achievement, for further revisions and resubmission to the state board.

181 (e) The state board shall be authorized to approve a waiver or variance request of
182 specifically identified state rules, regulations, policies, and procedures or provisions of this
183 chapter upon the inclusion of such request in the local school system's proposed contract
184 and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver
185 and variance shall be improvement of student performance. The state board shall not be
186 authorized to waive or approve variances on any federal, state, and local rules, regulations,
187 court orders, and statutes relating to civil rights; insurance; the protection of the physical
188 health and safety of school students, employees, and visitors; conflicting interest
189 transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in
190 or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or
191 Chapter 14 of this title; the requirements of Code Section 20-2-210; the requirements of
192 Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327.
193 A local school system that has received a waiver or variance shall remain subject to the
194 provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not
195 charge tuition or fees to its students except as may be authorized for local boards by Code

196 Section 20-2-133, and shall remain open to enrollment in the same manner as before the
197 waiver request."

198 **SECTION 1-7.**

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

201 "20-2-83.

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

204 (b) The terms of the contract shall include, but not be limited to, accountability, flexibility,
205 and consequences components as negotiated pursuant to subsection (a) of Code Section
206 20-2-82 and in accordance with Code Section 20-2-84.

207 (c) The terms of the contract shall also include specific requirements relating to
208 maintaining or achieving financial stability of the local school system, including ensuring
209 that the local school system has not been designated as a high-risk local school system by
210 the Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been
211 designated as a high-risk local school system, that it has a written corrective action plan in
212 place and that local school system board members and appropriate personnel participate
213 in required training to address the deficiencies.

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

217 ~~(d)~~(e) The terms of a contract may be amended during the term of the contract only upon
218 approval of the state board and the local board of education."

219 **SECTION 1-8.**

220 Said title is further amended by revising Code Section 20-2-84.2, relating to state monitoring,
221 as follows:

222 "20-2-84.2.

223 (a) The Office of Student Achievement shall revise the single state-wide accountability
224 system established pursuant to paragraph (1) of subsection (a) of Code Section 20-14-26
225 for submission to the state board for approval to integrate the requirements of this article,
226 to the greatest extent practicable, including, but not limited to, the loss of governance
227 consequences provided for in Code Section 20-2-84.1.

228 (b) The Office of Student Achievement shall monitor each local school system's progress
229 toward meeting its performance goals in its contract and shall notify the department if a
230 local school system is not in compliance with such performance goals. The department

231 shall provide support and guidance to school systems not meeting their yearly progress
 232 goals.
 233 (c) The department shall monitor each local school system's financial stability and provide
 234 support and guidance to local school systems that are designated as high-risk local school
 235 systems or moderate-risk local school systems by the Department of Audits and Accounts
 236 pursuant to Code Section 20-2-67 or are at risk of being designated as high-risk local
 237 school systems or moderate-risk local school systems."

238 **SECTION 1-9.**

239 Said title is further amended by revising Code Section 20-2-103, relating to oath of local
 240 school superintendent, as follows:

241 "20-2-103.

242 Before entering upon the discharge of his or her official duties, the local school
 243 superintendent shall take and subscribe to the following oath of office:

244 STATE OF GEORGIA

245 COUNTY OF _____

246 I, _____, do solemnly swear or affirm that I will truly perform the
 247 duties of local school superintendent of the _____ School System
 248 to the best of my ability.

249 I do further swear or affirm:

250 (1) That I am not the holder of any unaccounted for public money due this state or any
 251 political subdivision or authority thereof and that I will manage the finances of the local
 252 school system in compliance with all applicable laws and regulations;

253 (2) That I am not the holder of any office of trust under the government of the United
 254 States, any other state, or any foreign state which I am by the laws of the State of Georgia
 255 prohibited from holding;

256 (3) That I am otherwise qualified to hold said office according to the Constitution and
 257 the laws of Georgia; and

258 (4) That I will support the Constitution of the United States and of this state.

259 _____
 260 Signature of local school superintendent

261 _____
 262 Typed name of local school superintendent

263 Sworn and subscribed
 264 before me this _____ day
 265 of _____, _____.
 266 (SEAL)."

267 **SECTION 1-10.**

268 Said title is further amended by revising Code Section 20-2-109, relating to duties of local
 269 school superintendents, as follows:

270 "20-2-109.

271 (a) The local school superintendent shall constitute the medium of communication
 272 between the State School Superintendent and subordinate local school officers. The local
 273 school superintendent shall be the executive officer of the local board of education; shall
 274 be the agent of the local board in procuring such school equipment and materials as it may
 275 order; shall ensure that the prescribed textbooks are used by students; shall verify all
 276 accounts before an application is made to the local board for an order for payment; and
 277 shall keep a record of all official acts, which, together with all the books, papers, and
 278 property appertaining to the office, shall be turned over to the successor. It shall be the
 279 local school superintendent's duty to enforce all regulations and rules of the State School
 280 Superintendent and of the local board according to the laws of the state and the rules and
 281 regulations made by the local board that are not in conflict with state laws; and to visit
 282 every school within the local school system to become familiar with the studies taught in
 283 the schools, observe what advancement is being made by the students, counsel with the
 284 faculty, and otherwise aid and assist in the advancement of public education.

285 (b) The local school superintendent shall report monthly to the local board of education
 286 the financial status of the local school system in accordance with Code Section 20-2-58.
 287 Each local board of education which governs a local school system that has been
 288 designated as a high-risk local school system or moderate-risk local school system by the
 289 Department of Audits and Accounts pursuant to Code Section 20-2-67 shall require the
 290 local school superintendent to complete training on financial management and financial
 291 governance of a local school system."

292 **SECTION 1-11.**

293 Said title is further amended by revising Code Section 20-2-230, relating to staff
 294 development programs, as follows:

295 "20-2-230.

296 (a) All public school officials and professional personnel certificated by the Professional
 297 Standards Commission shall be provided the opportunity to continue their development

298 throughout their professional careers. The primary purpose of the staff development
299 sponsored or offered by local boards of education and the Department of Education shall
300 be the implementation of this policy. Two additional purposes of such staff development
301 programs shall be to adopt into general practice the findings of scientifically designed
302 research which has been widely replicated, particularly as it relates to teacher and school
303 effectiveness, and to address professional needs and deficiencies identified during the
304 process of objective performance evaluations.

305 (b)(1) The State Board of Education shall adopt a training program for members of local
306 boards of education by July 1, 2011. The State Board of Education may periodically
307 adopt revisions to such training program as it deems necessary.

308 (2) Within three months of adoption by the State Board of Education of a training
309 program pursuant to paragraph (1) of this subsection, each local board of education shall
310 adopt a training program for members of such boards that includes, at a minimum, such
311 training program and requirements established by the State Board of Education pursuant
312 to paragraph (1) of this subsection. Each local board of education shall incorporate any
313 revisions adopted by the State Board of Education to the training program pursuant to
314 paragraph (1) of this subsection within three months of adoption of such revisions.

315 (3) All local boards of education are authorized to pay such board members for
316 attendance at a required training program the same per diem as authorized by local or
317 general law for attendance at regular meetings, as well as reimbursement of actual
318 expenses for travel, lodging, meals, and registration fees for such training, either before
319 or after such board members assume office.

320 (c) The State Board of Education shall require each newly elected member of a local board
321 of education to receive guidance and training regarding his or her own local school
322 system's most recent audit findings and the risk status of the local school system as
323 determined by the Department of Audits and Accounts or the Department of Education.
324 Such training for newly elected board members shall also include training on the role of
325 the local school superintendent with respect to financial management and financial
326 governance of a local school system.

327 (d) The State Board of Education shall require members of local boards of education to
328 complete the training required under this Code section with either the Department of
329 Education or the Department of Audits and Accounts if the local board of education has
330 been designated by the Department of Audits and Accounts as a high-risk local school
331 system pursuant to Code Section 20-2-67 or if the Department of Audits and Accounts has
332 determined that corrective actions have not been implemented or devised to correct serious
333 findings in the local school system's Department of Audits and Accounts audit report from
334 the previous year."

SECTION 1-12.

335

336 Said title is further amended by revising Code Section 20-2-2063.2, relating to charter
337 systems, as follows:

338 "20-2-2063.2.

339 (a) The state board shall be authorized to enter into a charter with a local board to establish
340 a local school system as a charter system.

341 (b) A local board seeking to create a charter system must submit a petition to the state
342 board. Prior to submitting such petition, the local board shall:

343 (1) Adopt a resolution approving the proposed charter system petition;

344 (2) Conduct at least two public hearings and provide notice of the hearings in the same
345 manner as other legal notices of the local board; and

346 (3) Send a notice to each principal within the local school system of the hearings with
347 instructions that each school shall distribute the notice to faculty and instructional staff
348 members and to the parent or guardian of each student enrolled in the school.

349 The local board may revise its proposed charter system petition, upon resolution, as a result
350 of testimony at the public hearings or for other purposes.

351 (c) Prior to approval or denial of a charter petition for a charter system, the state board
352 shall receive and give all due consideration to the recommendation and input from the
353 Charter Advisory Committee established in Code Section 20-2-2063.1. The state board
354 shall approve the charter if the state board finds, after receiving input from the Charter
355 Advisory Committee, that the petition complies with the rules, regulations, policies, and
356 procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this
357 title, is in the public interest, and promotes school level governance. A charter for a charter
358 system shall include the interventions, sanctions, and loss of governance consequences
359 contained in Code Section 20-14-41. A charter for a charter system shall require that the
360 local school system has not been designated as a high-risk local school system by the
361 Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been
362 designated as a high-risk local school system, the charter shall require that the local school
363 system has a written corrective action plan in place and that local school system board
364 members and appropriate personnel participate in required training to address the
365 deficiencies.

366 (d) All schools within an approved charter system shall be system charter schools except
367 as otherwise provided in subsections (f) and (g) of this Code section.

368 (e)(1) Subject to appropriations by the General Assembly or other available funding, the
369 state board, after receiving input and recommendations from the Charter Advisory
370 Committee, shall disburse planning grants to local school systems which desire to

371 become charter systems. Such grants will be disbursed in accordance with any applicable
372 guidelines, policies, and requirements established by the state board.

373 (2) Subject to specific appropriations by the General Assembly for this purpose, the state
374 board shall disburse implementation grants in the amount of \$125,000.00 or such other
375 amount as determined by the state board to each charter system. The state board shall be
376 authorized to approve up to five petitions for charter systems during fiscal year 2008, and
377 may approve up to a maximum number of petitions in following years as may be
378 established pursuant to board rules and as subject to availability of funding for
379 implementation grants.

380 (f) A system charter school shall not be precluded from petitioning to become a conversion
381 charter school, in accordance with Code Section 20-2-2064, not subject to the terms of the
382 system charter. In the event a system charter school becomes a conversion charter school,
383 the system charter shall be amended to reflect that such school is no longer bound by the
384 system charter.

385 (g) An existing conversion or start-up charter school within a local school system which
386 is petitioning to become a charter system shall have the option of continuing under its own
387 existing charter, not subject to the terms of the system charter, or of terminating its existing
388 charter, upon agreement by the local board and state board, and becoming subject to the
389 system charter as a charter system school."

390 **SECTION 1-13.**

391 Said title is further amended by revising subsection (a) of Code Section 20-2-2063.3, relating
392 to code of principles and standards for charter school authorizers, as follows:

393 "(a) The State Board of Education and the State Charter Schools Commission shall jointly
394 establish a code of principles and standards of charter school authorizing to guide local
395 boards of education, the state board, and the State Charter Schools Commission in meeting
396 high-quality authorizing practices. The principles and standards established by the state
397 board and the State Charter Schools Commission shall include:

398 (1) Maintaining high standards for approving charter petitions;

399 (2) Establishing high academic, financial, and operational performance standards for
400 charter schools;

401 (3) Annually monitoring, evaluating, and reporting charter school progress in meeting
402 academic, financial, and operational performance standards, including ensuring that a
403 local school system has not been designated as a high-risk local school system by the
404 Department of Audits and Accounts pursuant to Code Section 20-2-67, or if it has been
405 designated as a high-risk local school system, that it has a written corrective action plan

406 in place and that local school system board members and appropriate personnel
 407 participate in required training to address the deficiencies;
 408 (4) Upholding charter school autonomy in school governance, instructional program
 409 implementation, personnel, and budgeting;
 410 (5) Protecting students and holding charter schools accountable for their obligations to
 411 all students; and
 412 (6) Protecting the public interest and holding charter schools accountable for their
 413 obligations of governance, management, and oversight of public funds."

414 **PART II**

415 **SECTION 2-1.**

416 Said title is further amended in Code Section 20-2-73, relating to suspension and removal of
 417 local school board members upon potential loss of accreditation, by revising paragraph (1)
 418 of subsection (a) as follows:

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

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

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

441 **SECTION 2-2.**

442 Said title is further amended by revising subsection (b) of Code Section 20-2-84.2, relating
 443 to state monitoring of flexibility contracts, as follows:

444 "~~(b) The Office of Student Achievement~~ Department of Education shall monitor each local
 445 school system's progress toward meeting its performance goals in its contract and shall ~~the~~
 446 notify the ~~department~~ State Board of Education if a local school system is not in
 447 compliance with such performance goals. The department shall provide support and
 448 guidance to school systems not meeting their yearly progress goals."

449 **SECTION 2-3.**

450 Said title is further amended in Code Section 20-14-41, relating to appropriate levels of
 451 intervention for failing schools, master or management team, school improvement team,
 452 annual reports, data revision, and hearing, by revising subsection (h) as follows:

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

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

462 **SECTION 2-4.**

463 Said title is further amended by revising Code Section 20-14-43, relating to the Chief
 464 Turnaround Officer, qualifications, and duties, as follows:

465 "20-14-43.

466 (a) There is created the position of Chief Turnaround Officer. ~~The State Board of~~
 467 ~~Education~~ Governor, after consulting with the State School Superintendent and the
 468 Education Turnaround Advisory Council and, in his or her discretion, conducting a national
 469 search, shall appoint the Chief Turnaround Officer who shall serve at the pleasure of the
 470 ~~state board~~ Governor. The Chief Turnaround Officer shall be an employee of the
 471 Department of Education ~~but shall report directly to the state board~~ in the school
 472 improvement division and shall report to the State School Superintendent.

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

- 474 (1) Extensive personal experience in turning around low-performing schools, including
475 expertise in turnaround strategies, curriculum, instruction, and teacher and principal
476 effectiveness;
- 477 (2) Has held the position of at least principal or a higher administrative position in a
478 public school system for a minimum of five years with demonstrated skills in school
479 management, budget, finance, federal and state programs, funding sources, and talent
480 management; and
- 481 (3) Such additional education, experience, and other qualifications as determined by the
482 Governor, in consultation with the State Board of Education and the State School
483 Superintendent.
- 484 (c) The duties of the Chief Turnaround Officer shall include, but are not limited to:
- 485 (1) Managing and overseeing a system of supports and assistance for the
486 lowest-performing schools in this state identified as in the greatest need of assistance;
- 487 (2) Identifying resources, including the establishment of a resource list of evidence based
488 strategies and integrated student services, and consulting with regional educational
489 service agencies to determine specific expertise and resources available at each such
490 regional educational service agency directly relating to school turnaround;
- 491 (3) Annually establishing a list of third-party specialists, including auditors and
492 consultants, to assist schools and local school systems in conducting comprehensive
493 on-site evaluations of schools to determine the root causes of low performance and lack
494 of progress, to assist schools and local school systems in the implementation of intensive
495 school improvement plans, or to provide any of the necessary support services as
496 specified in the engagement letter or contract. Such list of third-party specialists shall be
497 established through a request for proposals process and approved by the State Board of
498 Education. Such request for proposals shall be designed with input from the Education
499 Turnaround Advisory Council;
- 500 (4) ~~Coordinating with the school improvement division within the Department of~~
501 ~~Education and coordinating and working with the State School Superintendent and the~~
502 ~~Office of Student Achievement to identify all state resources and supports available to~~
503 ~~the lowest-performing schools in the greatest need of assistance;~~
- 504 (5) Identifying turnaround coaches pursuant to Code Section 20-14-44 to serve as the
505 assigned state site liaison in the school improvement process;
- 506 (6) Building school level leadership capabilities, in cooperation with agencies and
507 organizations that have experience and capacity, and providing leadership development
508 opportunities for principals and other school level leaders in turnaround eligible schools
509 selected by the Chief Turnaround Officer; and

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

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

519 **SECTION 2-5.**

520 Said title is further amended by revising Code Section 20-14-44, relating to turnaround
 521 coaches and roles, as follows:

522 "20-14-44.

523 (a) The Chief Turnaround Officer, ~~after consulting~~ with the recommendation of the State
 524 School Superintendent, shall ~~recommend~~ propose individuals experienced in turning
 525 around schools that have similar needs and characteristics as those schools identified
 526 pursuant to Code Section 20-14-45, to serve as turnaround coaches, subject to approval by
 527 the state board.

528 (b) Turnaround coaches shall assist schools that are identified as in having the greatest
 529 ~~need of for~~ assistance pursuant to Code Section 20-14-45 with ongoing assistance and input
 530 and shall serve as contract managers to ensure conformance to contract terms. Turnaround
 531 coaches shall be assigned to one or more schools which are under a contract amendment
 532 or intervention contract pursuant to Code Section 20-14-45.

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

535 **SECTION 2-6.**

536 Said title is further amended by revising Code Section 20-14-45, relating to the definition of
 537 turnaround eligible schools, identification, and role of local boards of education, as follows:

538 "20-14-45.

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

543 (b) The Chief Turnaround Officer, in conjunction with the ~~Department of Education~~ State
 544 School Superintendent and the Office of Student Achievement, shall annually identify the

545 lowest-performing schools that are deemed ~~to be in~~ as having the greatest need ~~of for~~
546 assistance based on a list of turnaround eligible schools prepared annually by the Office of
547 Student Achievement. If the Chief Turnaround Officer, after consulting with ~~Department~~
548 ~~of Education staff and~~ the State School Superintendent, determines that the capacity and
549 resources available to the Chief Turnaround Officer and to the Department of Education
550 are insufficient to serve all schools on the turnaround eligible schools list, the Chief
551 Turnaround Officer may select a subset of such schools based on the following factors:

552 (1) Whether the school's rating has been improving or declining over the previous three
553 years, based on the state-wide accountability system;

554 (2) Whether the contract for strategic waivers school systems or the charter for charter
555 systems adequately addresses the school's deficiencies;

556 (3) Whether the school is in a local school system with a recent accreditation report
557 showing deficiencies in system level governance, school level leadership, system and
558 school level resource utilization, or school level achievement, including the areas of
559 reading and mathematics proficiencies;

560 (4) Whether the school is located in a local school system in which one-half or more of
561 the schools are on the turnaround eligible schools list for the fifth or more consecutive
562 year;

563 (5) Whether the school is in close proximity to a school that will be served pursuant to
564 paragraphs (1), (2), (3), or (4) of this subsection; and

565 (6) Any other factors deemed appropriate by the Chief Turnaround Officer.

566 (c) The Chief Turnaround Officer shall extend an opportunity to the local boards of
567 education for each school identified pursuant to subsection (b) of this Code section to
568 amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers
569 school systems or to amend the charter, for charter systems. The amendment shall be for
570 the purposes of agreeing to receive assistance pursuant to this part for such identified
571 school or schools. For any such local board of education that is offered the opportunity to
572 amend its system contract or charter but that does not sign an amendment within 60 days
573 of being offered the amendment or that declines to sign an amendment, the State Board of
574 Education shall within 60 days either implement one or more of the interventions contained
575 in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school or terminate
576 the system contract or charter as allowed by the terms of such contract or charter.

577 (d) For any local school system that is not a charter system or a strategic waivers school
578 system, the Chief Turnaround Officer shall extend an opportunity to the local board of
579 education for each school identified pursuant to subsection (b) of this Code section to enter
580 into an intervention contract for the purposes of agreeing to receive assistance pursuant to
581 Code Section 20-14-46 for such identified school or schools. For any such local board of

582 education that is offered the opportunity to enter into an intervention contract but that
 583 declines, the State Board of Education shall immediately implement one or more of the
 584 interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for
 585 such school.

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

595 **SECTION 2-7.**

596 Said title is further amended in Code Section 20-14-46, relating to on-site diagnostic review
 597 by third-party specialist and development of intensive school improvement plan, by revising
 598 subsection (d) as follows:

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

614 **SECTION 2-8.**

615 Said title is further amended by revising Code Section 20-14-48, relating to individual
 616 assessments of low performing students in turnaround eligible schools, as follows:

617 "20-14-48.

618 ~~(a) The State Board of Education~~ State School Superintendent shall ensure that all
 619 necessary department resources and supports are made available for full implementation
 620 of this part, including, but not limited to, the implementation of the intensive school
 621 improvement plans established pursuant to Code Section 20-14-46 for schools for which
 622 a local board of education has entered into a contract amendment or intervention contract
 623 with the State Board of Education pursuant to Code Section 20-14-45. Further, the ~~State~~
 624 ~~Board of Education~~ State School Superintendent shall ensure that such schools receive
 625 priority for the receipt of federal and state funds available to the Department of Education
 626 to the fullest extent possible under federal and state law, including, but not limited to,
 627 federal school improvement grants and Title I funds. The ~~State Board of Education~~ State
 628 School Superintendent shall also pursue maximum flexibility in applying for and
 629 expending federal funds, including, but not limited to, the consolidation of all federal, state,
 630 and local funds in compliance with federal law.

631 ~~(b) The Office of Student Achievement shall give priority to schools for which a local~~
 632 ~~board of education has entered into a contract amendment or intervention contract with the~~
 633 ~~State Board of Education pursuant to Code Section 20-14-45 when awarding grants~~
 634 ~~pursuant to subsection (b.1) of Code Section 20-14-26.1 or any other grants administered~~
 635 ~~by the office.~~

636 ~~(c)(1) The Office of Student Achievement shall be authorized to provide for grants,~~
 637 ~~subject to appropriations, to assist schools in local school systems under a contract~~
 638 ~~amendment or intervention contract pursuant to Code Section 20-14-45 with~~
 639 ~~demonstrated financial need in:~~

640 ~~(A) Retaining the services of a third-party specialist to assist in the implementation of~~
 641 ~~an intensive school improvement plan developed pursuant to Code Section 20-14-46~~
 642 ~~or to provide any other support services deemed necessary pursuant to such plan;~~

643 ~~(B) Assessing low-performing students and obtaining specified supports for such~~
 644 ~~students as delineated in subsection (a) of Code Section 20-14-47; or~~

645 ~~(C) Both subparagraph (A) and subparagraph (B) of this paragraph.~~

646 ~~(2) A school under a contract amendment or intervention contract pursuant to Code~~
 647 ~~Section 20-14-45 with a demonstrated financial need may, upon consultation with the~~
 648 ~~turnaround coach for the school, request grant funds pursuant to this subsection. Upon~~
 649 ~~approval by the Chief Turnaround Officer, the grant request may be submitted to the~~
 650 ~~Office of Student Achievement. The award of any grant funds shall be at the discretion~~
 651 ~~of the Office of Student Achievement, including the amount of any such grant funds~~
 652 ~~awarded. The Office of Student Achievement shall prescribe criteria, policies, and~~

653 ~~standards deemed necessary for the effective implementation of this subsection, including~~
 654 ~~criteria for a local school system to demonstrate financial need."~~

655 **SECTION 2-9.**

656 Said title is further amended by revising Code Section 20-14-49, relating to failure to
 657 progress after implementation of intensive school improvement plan and interventions, as
 658 follows:

659 "20-14-49.

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

668 (1) Continued implementation of the intensive school improvement plan developed
 669 pursuant to Code Section 20-14-46;

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

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

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

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

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

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

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

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

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

710 **SECTION 2-10.**

711 Said title is further amended by revising Code Section 20-14-49.1, relating to the Education
 712 Turnaround Advisory Council creation, composition, administration, and role, as follows:
 713 "20-14-49.1.

714 (a) There is created the Education Turnaround Advisory Council which shall report to the
 715 ~~State Board of Education~~ State School Superintendent. The Education Turnaround
 716 Advisory Council shall be composed of:

- 717 (1) The executive director of the Georgia School Boards Association or his or her
 718 designee;
- 719 (2) The executive director of the Georgia School Superintendents Association or his or
 720 her designee;
- 721 (3) The executive director of the Professional Association of Georgia Educators or his
 722 or her designee;
- 723 (4) The executive director of the Georgia Association of Educators or his or her
 724 designee;

- 725 (5) The executive director of the Georgia Association of Educational Leaders or his or
726 her designee;
- 727 (6) The president of the Georgia Parent Teacher Association;
- 728 (7) The executive director of Educators First or his or her designee; and
- 729 (8) Education leaders representing local school superintendents, local boards of
730 education, teachers, business leaders, or other appropriate individuals with interest in
731 public education appointed as follows:
- 732 (A) Two education leaders appointed by the Lieutenant Governor; and
- 733 (B) Two education leaders appointed by the Speaker of the House of Representatives.
- 734 (b) ~~The chairperson of the State Board of Education~~ State School Superintendent shall
735 cause the council to be convened no later than 30 days after the last appointment is made
736 to the council. The council shall select a chairperson from among its membership.
- 737 (c) The Education Turnaround Advisory Council shall be authorized to:
- 738 (1) Submit to the ~~State Board of Education~~ Governor's office names of potential
739 candidates for the position of Chief Turnaround Officer and for turnaround coaches;
- 740 (2) Recommend school turnaround resources and potential turnaround experts to be
741 added to resource lists;
- 742 (3) Provide advisement on the development of state-wide assessment tools;
- 743 (4) Provide advisement to the State School Superintendent and Chief Turnaround
744 Officer, as necessary;
- 745 (5) Provide recommendations and input on the request for proposals process conducted
746 pursuant to paragraph (3) of subsection (c) of Code Section 20-14-43 to establish a list
747 of approved third-party specialists that may be retained to assist in the evaluation of
748 schools; and
- 749 (6) Perform such other duties as assigned by the ~~State Board of Education~~ State School
750 Superintendent.
- 751 (d) The Education Turnaround Advisory Council shall have no authority and shall only be
752 advisory in nature."

753 **PART III**

754 **SECTION 3-1.**

755 Said title is further amended by revising Code Section 20-2-989.7, relating to matters not
756 subject to complaint, as follows:

757 "20-2-989.7.

- 758 (a)(1) Except as otherwise provided in paragraph (2) of this subsection, the ~~The~~
759 performance ratings contained in personnel evaluations conducted pursuant to Code

760 Section 20-2-210, professional development plans, and job performance shall not be
 761 subject to complaint under the provisions of this part; provided, however, that this shall
 762 not apply to procedural deficiencies on the part of the local school system or charter
 763 school in conducting an evaluation pursuant to Code Section 20-2-210.

764 (2) For teachers who have accepted a school year contract for the fourth or subsequent
 765 consecutive school year, summative performance ratings of 'Unsatisfactory' or
 766 'Ineffective' contained in personnel evaluations conducted pursuant to Code Section
 767 20-2-210, procedural deficiencies on the part of the local school system or charter school
 768 in conducting an evaluation pursuant to Code Section 20-2-210, and job performance
 769 shall be subject to appeal pursuant to this paragraph. Local units of administration shall
 770 establish an appeals policy that shall allow a teacher to appeal a summative performance
 771 rating of 'Unsatisfactory' or 'Ineffective.' Such appeals policy shall include a method and
 772 reasonable timelines for filing an appeal that minimize the burden on both parties, a
 773 statement that a teacher shall not be the subject of any reprisal as a result of filing an
 774 appeal pursuant to this paragraph, a provision that an appeal hearing may be conducted
 775 by an independent third party or by an administrator in the system office on behalf of the
 776 school official or local unit of administration, and a method to receive the decision of the
 777 independent third party or system administrator. Should any reprisal occur, the teacher
 778 may refer the matter to the Professional Standards Commission. Each local unit of
 779 administration shall submit a copy of its appeals policy established pursuant to this
 780 paragraph to the Department of Education no later than August 1, 2021, and any time
 781 thereafter if material changes are made to such policy.

782 (3) The termination, nonrenewal, demotion, suspension, or reprimand of any employee,
 783 as set forth in Code Section 20-2-940, and the revocation, suspension, or denial of
 784 certificates of any employee, as set forth in Code Section 20-2-984.5, shall not be subject
 785 to complaint under the provisions of this part.

786 (b) A certified employee who chooses to appeal under Code Section 20-2-1160 shall be
 787 barred from pursuing the same complaint under this part."

788

PART IV

789

SECTION 4-1.

790 Said title is further amended by revising Code Section 20-2-58, relating to regular monthly
 791 meetings of local boards, adjournment, temporary presiding officer, and notice of date, as
 792 follows:

793 "20-2-58.

794 (a) It shall be the duty of each local board of education to hold a regular meeting during
 795 each calendar month for the transaction of business pertaining to the public schools. Any
 796 such meeting may be adjourned from time to time, and, in the absence of the president or
 797 secretary, the members of the local board may appoint one of their own number to serve
 798 temporarily. The local board shall annually determine the date of its meeting and shall
 799 publish it either in the official county organ or, at the option of the local board of education,
 800 in a newspaper having a general circulation in said county at least equal to that of the
 801 official county organ for two consecutive weeks following the setting of the date; provided,
 802 however, that the date shall not be changed more often than once in 12 months and, if
 803 changed, the new date shall also be published as provided in this Code section.

804 (b) Each local board of education shall provide a public comment period during every
 805 regular monthly meeting. Such public comment period shall be included on the agenda
 806 required to be made available and posted prior to the meeting pursuant to paragraph (1) of
 807 subsection (e) of Code Section 50-14-1. A local board of education shall not require notice
 808 by an individual more than 24 hours prior to the meeting as a condition of addressing the
 809 local board during such public comment period. The chairperson of the local board of
 810 education shall have the discretion to limit the length of time for individual comments and
 811 the number of individuals speaking for or against a specific issue."

812

PART V

813

SECTION 5-1.

814 This Act shall become effective on July 1, 2021.

815

SECTION 5-2.

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