

# HB 338 Summary LC 33 6951S

As amended in House Education Committee 2/23/17

## **1. Positions Created**

**Chief Turnaround Officer (CTO) appointed by and reporting directly to the State Board. Appointment is made after consulting with the State School Superintendent and the Education Turnaround Advisory Council.**

- **Qualifications of CTO**
  - Minimum 10 years' experience in K-12 education
  - Advanced degree
  - Principal or higher in a public school for a minimum of 3 years
  - Extensive experience in turning around failing schools
  - Additional education, experience, and other qualifications as determined by the State Board
- **Duties of CTO**
  - Manage and oversee system of supports and assistance for lowest-performing schools in greatest need of assistance
  - After consulting with the State School Superintendent, recommend people to serve as **Turnaround Coaches**, subject to approval of State Board
- **Qualifications and Duties of Turnaround Coaches**
  - Experienced in turning around schools with similar needs and characteristics as the identified schools
  - Shall assist schools identified as in greatest need with ongoing assistance and input
  - Shall be assigned to one or more schools under a contract amendment or intervention contract
  - Shall assist in creating local collaborations to address personal and community conditions which shall include the needs, issues, and problems within the community of the school such as
    - Poverty
    - Lack of economic development
    - Safety
    - Transportation options for parents and students
    - Adult educational opportunities
    - Wellness
    - Mental health services
  - Shall assist in identifying state and community resources that are available or could be built upon, reallocated, or repurposed to address the issues impacting the school(s)
  - Shall coordinate with each school to conduct individual assessments of those students who have been identified as low-performing and coordinate with schools to provide the following interventions, as agreed to by the turnaround coach and the school based on available funding and resources, including the reallocation of existing resources:
    - Screen all students during the first 60 instructional days of the school year of a contract amendment or intervention contract to diagnose the factors for low-performance, including, but not limited to:
      - Reading development and comprehension

- Physical health
- Mental health
- Access to the internet or other ancillary supports to out-of-school learning activities expected of students
- Evaluation of all available records to address nonacademic barriers to learning in the lowest-performing schools
- 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
  - access to expert supports which may include, but not be limited to:
    - data scientists
    - psychometric personnel
    - curriculum specialists
    - learning theorists
    - special educators to help advise the schools on technical learning matters
- May provide other services and supports as determined by the CTO

## **2. Grants**

Office of Student Achievement (OSA) shall be authorized to provide grants, subject to appropriations, to assist in assessing low-performing students and obtaining the specified supports listed above. (See in addition HB 237)

- School in this process may, upon consultation with the turnaround coach for the school, request grant funds for assessing low-performing students and obtaining specified supports for the low performing students
- Upon approval of the CTO, the grant request is made to OSA
- The grant is made at the discretion of OSA including the amount
- OSA shall prescribe criteria, policies, and standards deemed necessary to implement this Code Section

## **3. Process Created**

The CTO, in conjunction with the Department of Education and the Office of Student Achievement, shall annually identify lowest-performing schools in greatest need of assistance based on the chronically failing schools list published annually by the Office of Student Achievement, including scores and data trends, and any other factors deemed appropriate by the CTO

- Special consideration may be given to other lowest-performing schools
  - That are in close proximity to a school in greatest need
  - That are in local school systems in which one-half or more of the schools are deemed lowest-performing
  - For which the local board has specifically requested assistance from the state

- Number of schools identified annually shall be at the sole discretion of the CTO based on capacity and resources available to the CTO and the Department of Education after consulting with the staff and the State Superintendent

**If identified school is part of a strategic waivers or charter system contract:**

- CTO shall extend opportunity for local board to amend the contract to agree to receive assistance for the identified school(s)
- If the local board declines or does not sign the amendment within 60 days of its being offered, the State Board shall within 60 days either implement one or more of the interventions in 20-14-41(a)(6) **OR** terminate the contract as allowed by the terms of the contract *[See highlighted portion of Appendix for interventions in 20-14-41(a)(6)]*

**If the school is not part of any flexibility contract:**

- CTO shall extend opportunity to local board to enter into an intervention contract to agree to receive assistance for the identified school(s)
- If the local board declines, the State Board shall immediately implement one or more of the interventions in 20-14-41(a)(6) *[See Appendix for Code Section; these interventions are highlighted]*

**After Signing the Contract**

- Within 90 days, a turnaround coach in partnership with the RESA shall conduct a comprehensive on-site evaluation of the school to determine the cause for the performance and lack of progress
- At the discretion of the CTO and based on available funding and resources, after consultation with the Department of Education and the State Superintendent, a third party may be retained to assist in the evaluation at the expense of the state
  - Third party shall be selected by the local board from an approved list provided by the CTO
  - Approved list shall be annually established by the State Board through a request for proposals process (RFP)
  - RFP shall be designed with input from parents, teachers, and administrators, and the Education Turnaround Advisory Council
  - Local board may select its own third party upon approval of the CTO at its own expense
- Based on the evaluation results, Turnaround Coach and RESA shall recommend actions which may include but are not 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
  - 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
  - Other actions deemed appropriate
- Based on the evaluation and recommendations, the school shall develop an intensive school improvement plan in collaboration with the CTO that specifically addresses the academic insufficiencies identified by the rating of the accountability system
- The school shall implement the plan with ongoing assistance and input from the CTO and the turnaround coach
- **If after two years of implementing the plan the CTO determines the school is not improving based on the terms of the contract and other applicable factors, the CTO shall require that one or more of the following interventions be implemented at the school, unless the school district is in substantial compliance with the implementation of the improvement plan and the ongoing cooperation and collaboration exhibited by the school:**
  - Continued implementation of the intensive school improvement plan
  - Appointment of a school master or management team to oversee and direct the duties of the principal of the school until the school makes acceptable improvements
  - Removal of school personnel which may include the principal and personnel whose performance has been determined to be insufficient to produce student achievement gains
  - Implementation of a state charter school or special school as defined in 20-2-2062 [*special school here refers to a state charter as approved in the 2012 Constitutional amendment*]
  - Complete reconstitution of the school – removing all personnel, appointing a new principal, and hiring all new staff
    - Existing staff may reapply but shall not be rehired if their performance regarding student achievement has been negative for the past four years
  - Mandatory parental choice of a school within the district that does not have an unacceptable rating
    - School will be selected from a list of available options provided by the school system
    - School system shall provide transportation for students in Title I schools in accordance with requirements of federal law
    - School system may provide transportation for students in non-Title I schools
    - If the General Assembly does not appropriate funds for transportation of non-Title I students, the parent or guardian is responsible for transporting the student
  - Complete restructuring of the school’s governance arrangement and internal organization of the school
  - Operation of the school by a successful school system and pursuant to funding criteria established by the State Board
  - Operation of the school by a private nonprofit entity pursuant to a request for proposals issued by the State Board
  - Any other interventions or requirements deemed appropriate by the CTO and the State Board of Education in accordance with the contract
- **Before the implementation of any of the interventions required by the CTO (as listed above), the local board may request an opportunity for a hearing before the State**

**Board to show cause as to why the proposed intervention(s) should not be required or that alternative interventions are more appropriate.**

- Request shall be made no later than 30 days after notification by the CTO of the intended interventions
- State Board 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 shown by the school
- State Board must make a determination on the request no later than 60 days after the request is received
- Determination of the State Board is final.

**4. Consequences for local board members**

- If one-half or more of the schools in a local school system have received an unacceptable rating, based on the chronically failing schools list published annually by OSA, for the fifth or more consecutive year, the Department of Education shall notify the State Board in writing within three business days of the rating [*Same process as currently used when removing board members for accreditation purposes*]
  - State Board shall conduct a hearing in not less than 10 days of the notice and no more than 90 days and recommend to the Governor whether to suspend all eligible members with pay
  - Local board members removed by the Governor could petition for reinstatement through a hearing before an Administrative Law Judge
  - No public funds can be used by the local board to fight removal from office
  - This provision applies to local board members who served on the board for at least the immediately preceding two years
  - This provision is stayed for a local board under a contract amendment or intervention contract as long as the local board is in substantial compliance with the terms of the contract

**5. Required Annual Report**

- State Board 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 school pursuant to Code Section 20-14-41 (***see Appendix for this Code Section***)
- Report shall be submitted by December 31<sup>st</sup> for the previous academic year to the Governor, Lt. Governor, Speaker of the House, chairpersons of the House Committee on Education and the Senate Education and Youth Committee, and the Education Turnaround Advisory Council

**6. Creation of the Education Turnaround Advisory Council**

- Shall report to the State Board
- Shall provide advisement on the qualifications and manner of conducting the identification and selection process for the CTO and turnaround coaches
- May submit to the State Board names of potential candidates for either position
- May also provide recommendations and input on the request for proposals conducted by the State Board to establish a list of approved third parties that may be retained to assist in the evaluation of schools
- May have other responsibilities as assigned by the State Board but shall have no authority and be advisory in nature
- Shall be composed of:

- Executive director or designee of Georgia School Boards Association (GSBA)
- Executive director or designee of Georgia School Superintendents Association (GSSA)
- Executive director or designee of Professional Association of Georgia Educators (PAGE)
- Executive director or designee of Georgia Association of Educators (GAE)
- Executive director of Georgia Association of Educational Leaders (GAEL)
- President of Georgia PTA

## **7. Creation of the Joint Study Committee on the Establishment of a State Accreditation Process**

- Shall study the advantages and disadvantages of establishing a state accreditation process for public schools and school systems in the state
  - Resources and structure that would be necessary
  - Any impediments that would need to be addressed
- Shall consider the areas that could be included in the accreditation process including:
  - Student academic achievement
  - Local board governance
  - Financial management
- Should also consider the possible consequences of losing state accreditation that could be administered such as the removal of local board members
- Consider the possibility of establishing a school board review commission
- Shall be composed of:
  - Three members of the House of Representatives appointed by the Speaker, one of whom shall be designated to serve as cochairperson
  - Three members of the Senate appointed by the President of the Senate, one of whom shall be designated as cochairperson
  - State School Superintendent or designee
  - Chair of State Board of Education or designee
  - Director of State Charter Schools Commission or designee
  - Director of the Office of Student Achievement or designee
  - Chancellor of the University System of Georgia or designee
  - Local board of education member appointed by the Governor
  - Local school superintendent appointed by the Governor
  - Principal appointed by the Governor
  - Teacher appointed by the Governor
  - Parent appointed by the Governor
- If the Committee adopts any specific findings or recommendations that include suggestions for proposed legislation, the cochairpersons shall file a report prior to December 31, 2017 IF the report has been approved by a majority vote of a quorum of the Committee
- If there is no approved report, the cochairpersons may file copies of the minutes of the meeting with the Secretary of the Senate and the Clerk of the House of Representatives
- Committee is abolished as of December 31, 2017

## **8. Creation of the Joint Study Committee on the Establishment of a Leadership Academy**

- Shall study the possibility of establishing a leadership academy housed within the Professional Standards Commission to provide principals and other school leaders opportunities to update and expand their leadership knowledge and skills

- Shall identify a process for establishing the Georgia Academic Leadership Academy beginning July 1, 2018
- Shall study and recommend 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 an unacceptable ratings
  - Criteria for participants and faculty
  - Any other matters deemed appropriate by the Committee
- Committee shall be composed of:
  - Two members of the House of Representatives, appointed by the Speaker, one of whom shall be from the minority party
  - Two members of the Senate, appointed by the President of the Senate, one of whom shall be from the minority party
  - Commissioner of the Technical College System of Georgia or designee
  - Chancellor of the University System of Georgia or designee
  - Executive director of the Professional Standards Commission or designee
  - To be appointed by the Governor:
    - two local school superintendents
    - Two principals appointed by the Governor
    - One member of the State Board of Education
    - One local board of education member
    - One staff member from the Department of Education
    - One member of the Governor’s policy staff
- The Governor shall name the chairperson
- Shall provide a report of its findings and recommendations, including any proposed legislation, no later than December 31, 2017, to the Governor, Lt. Governor, Speaker of the House, and the chairpersons of the Senate Education & Youth Committee and the House Education Committee
- Shall be abolished December 31, 2017

## APPENDIX

### **Please note: The following statute was first passed in 2000 – IT IS NOT PROPOSED LEGISLATION IN HB 338**

**Because this code section is referenced several times in HB 338, GSBA is providing you with this information. The highlighted portion is the Code Section referred to if a local board of education does not agree to a contract to accept the state's assistance. The entire statute is currently available to the State Board of Education to take action at any time it chooses.**

**20-14-41.** Appropriate levels of intervention for failing schools; master or management team; school improvement team; annual reports; data revision; hearing

(a) The State Board of Education shall by policies, rules, or regulations establish a coherent and sustained system of assistance and support for schools not meeting identified levels of achievement or not showing specified levels of progress as determined by the office. The State Board of Education shall by policies, rules, or regulations specify appropriate levels of assistance and intervention for schools that receive an unacceptable rating on student achievement, achievement gap closure, or student progress, or any combination thereof. In specifying levels of assistance and intervention, the State Board of Education shall consider the number of years a school has received an unacceptable rating and may include one or more of the following interventions:

(1) Issuing public notice of the deficiency to the local board of education;

(2) Ordering a hearing to be conducted at the school by the local board of education with the participation of the school council for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the office, and the interventions that may be imposed under this Code section if the performance does not improve within a designated period of time and of soliciting public comment on the initial steps being taken to improve performance;

(3) Ordering the preparation of an intensive student achievement improvement plan that addresses each academic excellence indicator for which the school's performance is unacceptable, the submission of the plan to the State Board of Education for approval, and implementation of the plan;

(4) Appointing a Department of Education school improvement team to:

(A) Conduct a comprehensive on-site evaluation of each low-performing school to determine the cause for the school's low performance and lack of progress that includes presentations by the chairperson of the local board of education, the school principal, a parent member of the local school council, and other school personnel;

(B) Recommend actions, including 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, 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 the team considers appropriate;

(C) Assist in the development of an intensive school improvement plan focused on student

achievement required by paragraph (3) of this subsection; and

(D) Monitor the progress of the school in implementing the intensive school improvement plan focused on student achievement;

(5) If a school has received an unacceptable rating for a period of two consecutive years or more, appointing a school master or management team to oversee and direct the duties of the principal of the school in relation to the school until school performance improves and the school is released from intervention by the director, with the cost of the master or management team to be paid by the state; or

(6) If a school has received an unacceptable rating for a period of three consecutive years or more, the State Board of Education shall, subject to the provisions of subsection (f) of this Code section, implement one or more of the following interventions or sanctions:

(A) Removal of school personnel on recommendation of the master or the school improvement team, including the principal and personnel whose performance has continued not to produce student achievement gains over a three-year period as a condition for continued receipt of state funds for administration;

(B) Allow for the implementation of a state charter school through the designation by the State Board of Education;

(C) Mandate the 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 three years;

(D) Mandate that the parents have the option to relocate the student to other public schools in the local school system 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;

(E) Mandate a monitor, master, or management team in the school that shall be paid by the district;

(F) Continue the intensive student achievement improvement plan provided for in paragraph (3) of this subsection; or

(G) Mandate a complete restructuring of the school's governance arrangement and internal organization of the school.

(b) If a school has received an unacceptable rating for a period of two consecutive years or more, the following interventions shall be imposed, subject to the provisions of subsection (f) of this Code section, in accordance with rules and regulations established by the State Board of Education and in addition to any other interventions imposed by the State Board of Education pursuant to subsection (a) of this Code section:

(1) Mandated public school choice;

- (2) Specified maximum class sizes; and
- (3) Site based expenditure controls.

At its discretion, the State Board of Education shall also be authorized to impose additional restrictions or mandates on schools subject to this subsection, as deemed appropriate by the State Board of Education and in accordance with its rules and regulations.

(c) The State Board of Education shall clearly define the powers and duties of a master or management team appointed to oversee the operations of a school.

(d) A school improvement team appointed under this Code section may consist of currently employed or retired teachers, principals, other educational professionals, Department of Education school improvement employees, or local school superintendents recognized for excellence in their roles and appointed by the State Board of Education to serve as members of a team.

(e) The State Board of Education shall annually report by October 31 of each year the status of the interventions imposed on low-performing schools to the office with recommendations regarding ending, extending, or upgrading the interventions on those schools. The director shall review and respond to the report.

(f) Before the implementation of any interventions for a school that has received an unacceptable rating for two years or three years, the local board of education for such school shall have an opportunity to examine the data which form the basis for the intervention or interventions and to provide any correction, explanation, or supplement to such data. The department shall determine whether to accept or reject any revision in the data proposed by the local board. The department shall subsequently intervene or not in accordance with the department's determination of the data.

(g) A local board of education may request an opportunity for a hearing before the state board to show cause why an intervention or interventions should not be required. An intervention shall not be stayed pending the hearing or the determination of the state board. The determination of the state board shall be the final decision.

**HISTORY:** Code 1981, § **20-14-41**, enacted by Ga. L. 2000, p. 618, § 93; Ga. L. 2004, p. 107, § 21; Ga. L. 2005, p. 798, § 21/SB 35; Ga. L. 2012, p. 341, § 4/SB 410.