

Senate Bill 133

By: Senators Miller of the 49th, Tippins of the 37th, Jeffares of the 17th, Sims of the 12th,  
Beach of the 21st and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the  
2 Education Coordinating Council, so as to provide for the establishment of the Opportunity  
3 School District; to provide for definitions; to authorize the Opportunity School District to  
4 assume the supervision of public elementary and secondary schools that are qualifying; to  
5 provide for a superintendent for the district; to provide criteria; to provide for rating of  
6 schools; to provide for intervention models; to provide for opportunity schools seeking state  
7 charter school status; to provide for successful opportunity schools to exit state supervision;  
8 to provide for funding; to provide for applicability; to provide for support services and  
9 flexibility for schools on warning, schools on probation, and qualifying schools that are not  
10 selected; to repeal a provision relating to appropriate levels of intervention for failing  
11 schools; to provide for conforming amendments; to provide for related matters; to provide  
12 for contingent effectiveness; to provide for automatic repeal under certain conditions; to  
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the Education  
17 Coordinating Council, is amended by adding a new article to read as follows:

18 style="text-align:center">"ARTICLE 3

19 20-14-100.

20 As used in this article, the term:

21 (1) 'Office' means the Office of Student Achievement.

22 (2) 'Opportunity school' means a public elementary or secondary school under the  
23 supervision of the Opportunity School District.

24 (3) 'Opportunity School District' or 'OSD' means the state-wide district established  
 25 pursuant to this article.

26 (4) 'OSD charter school' means an opportunity school authorized by the State Charter  
 27 Schools Commission pursuant to Article 31A of Chapter 2 of this title.

28 (5) 'OSD Superintendent' means the superintendent of the Opportunity School District  
 29 appointed by the Governor pursuant to Code Section 20-14-102.

30 (6) 'Qualifying school' means a public elementary or secondary school that earns a rating  
 31 of F pursuant to Code Section 20-14-104 for a minimum of three consecutive years.

32 (7) 'School on probation' means a public elementary or secondary school that earns a  
 33 rating of F pursuant to Code Section 20-14-104 for two consecutive years.

34 (8) 'School on warning' means a public elementary or secondary school that earns a  
 35 rating of F pursuant to Code Section 20-14-104 for one year.

36 20-14-101.

37 (a) The Opportunity School District is hereby created pursuant to the authority granted in  
 38 Article VIII, Section V, Paragraph VIII of the Georgia Constitution. The Opportunity  
 39 School District shall be authorized to assume the supervision, management, and operation  
 40 of public elementary and secondary schools which have been determined to be qualifying  
 41 pursuant to this article.

42 (b) The Opportunity School District shall be established within the Office of Student  
 43 Achievement.

44 20-14-102.

45 (a) The Governor shall appoint a superintendent, to be confirmed by the Senate, to serve  
 46 as the executive officer of the Opportunity School District. The OSD Superintendent shall  
 47 serve at the pleasure of the Governor and shall have such qualifications as set forth in  
 48 subsection (b) of Code Section 20-2-101 and salary as determined by the Governor. The  
 49 OSD Superintendent shall be an employee of the office but shall report directly to the  
 50 Governor.

51 (b) The OSD Superintendent shall develop guidelines and procedures for the operation of  
 52 the OSD. The OSD Superintendent shall annually provide a report to the General  
 53 Assembly on all aspects of operation, including the selection, intervention chosen, and  
 54 progress of the opportunity schools. The report shall also be published on the office  
 55 website.

56 20-14-103.

57 (a) The Opportunity School District shall be authorized to select up to 20 qualifying  
58 schools to add to the OSD in any single school year. The Opportunity School District shall  
59 have no more than 100 schools under its supervision at any given time. The schools  
60 selected for inclusion in the OSD should represent geographic diversity, including urban  
61 and rural schools.

62 (b) Selection of up to 20 qualifying schools to add to the OSD in any single school year  
63 shall be based on an analysis of performance over the most recent three-year period with  
64 emphasis on student growth and progress and other considerations, including geographic  
65 clusters of qualifying schools, feeder patterns with multiple eligible schools, current  
66 turn-around efforts, availability of qualified partners, and community engagement and  
67 support. The school selection process shall include a public hearing to allow for parent and  
68 community input and the final selection of which schools are transferred into the OSD shall  
69 be in the sole discretion of the OSD Superintendent.

70 (c) The OSD Superintendent shall have the sole discretion in determining the timing and  
71 sequencing of transferring qualifying schools to the OSD, which may take into  
72 consideration the capacity of the OSD in successfully overseeing each school. Prior to  
73 transferring any qualifying school to the OSD, the OSD Superintendent shall conduct an  
74 evaluation of the school to determine the factors contributing to the school's performance  
75 and shall conference with the school principal, local board of education members, and the  
76 local school superintendent to share the findings of the evaluation and discuss options for  
77 remediation in a joint effort between the OSD and the local school system. The OSD  
78 Superintendent shall evaluate and identify the qualifying schools selected for intervention  
79 no later than April 1 prior to the initial school year in which the OSD intervention model  
80 will be implemented. The specific intervention model in subsection (a) of Code Section  
81 20-14-105 most appropriate for each school based on the findings of the evaluation shall  
82 be identified by the OSD Superintendent no later than July 1 of the effective school year  
83 and published on the office website.

84 (d) The OSD Superintendent is authorized to waive specifically identified State Board of  
85 Education rules, regulations, policies, and procedures, or provisions of Chapter 2 of this  
86 title for opportunity schools. The goal for each waiver shall be improvement of student  
87 performance. The OSD Superintendent is not authorized to waive any federal, state, and  
88 local rules, regulations, court orders, and statutes relating to civil rights; insurance; the  
89 protection of the physical health and safety of school students, employees, and visitors;  
90 conflicting interest transactions; the prevention of unlawful conduct; any laws relating to  
91 unlawful conduct in or near a public school; any reporting requirements pursuant to Code  
92 Section 20-2-320 or this chapter; the requirements of Code Section 20-2-211.1 relating to

93 fingerprint and criminal background checks; state accountability requirements, including  
 94 but not limited to teacher and leader evaluation pursuant to Code Section 20-2-210; or the  
 95 requirements in subsection (c) of Code Section 20-2-327. A school that has received a  
 96 waiver shall remain subject to the provisions of Part 3 of Article 2 of this chapter, the  
 97 requirement that it shall not charge tuition or fees to its students except as may be  
 98 authorized for local boards by Code Section 20-2-133. All opportunity schools shall  
 99 comply with all applicable constitutional and statutory nondiscrimination requirements.  
 100 (e) In the event that a qualifying school selected to be an opportunity school pursuant to  
 101 this article is an existing charter school or is currently subject to any school level  
 102 requirements included in a charter system contract or a contract executed pursuant to  
 103 Article 4 of Chapter 2 of this title, the authority of the OSD shall supersede any such  
 104 charter or contract with respect to the qualifying school and the State Board of Education  
 105 and affected local board of education shall take all necessary steps to modify or cancel any  
 106 such charter or contract with respect to the qualifying school to effectuate this.

107 20-14-104.

108 The office shall annually, for purposes of this article, determine a rating of A, B, C, D, or F  
 109 for each public elementary and secondary school in this state based on student  
 110 achievement, achievement gap closure, and student growth. Such ratings shall be based  
 111 on the state accountability system approved by the State Board of Education.

112 20-14-105.

113 (a) An opportunity school may be subject to any of the following intervention models, as  
 114 determined by the OSD Superintendent:

115 (1) Direct management of the opportunity school by the OSD;

116 (2) Shared governance of the opportunity school by the OSD and the local board of  
 117 education pursuant to a contract in which the local board of education operates the school  
 118 and the OSD Superintendent has the authority to direct changes to be made at the school;

119 (3) Reconstitution of the school as an OSD charter school in which the OSD works in  
 120 collaboration with the State Charter Schools Commission to build capacity of petitioning  
 121 governing boards and charter school applications to establish a charter that will be  
 122 approved by the State Charter Schools Commission; or

123 (4) Closure of an opportunity school which is not enrolled at full capacity and  
 124 reassigning the students to a nonqualifying school within the local school system. School  
 125 closure shall be the intervention of last resort.

126 (b) The OSD Superintendent shall establish and implement a process for gaining  
127 community feedback and input to inform his or her decision regarding the most appropriate  
128 intervention model for a particular school.

129 (c)(1) For opportunity schools under the intervention models in paragraphs (2) and (3)  
130 of subsection (a) of this Code section, the school principal or OSD charter school  
131 governing board shall be authorized to make decisions about school finance, human  
132 capital, and curriculum and instruction for the opportunity school; provided, however,  
133 that the OSD Superintendent may direct school principals to make certain decisions under  
134 the intervention model in paragraph (2) of subsection (a) of this Code section. For such  
135 schools, the OSD Superintendent and staff shall provide appropriate training and support  
136 to develop effective leadership in such areas.

137 (2) For opportunity schools under the intervention model in paragraph (1) of  
138 subsection (a) of this Code section, the OSD shall be authorized to have a direct role in  
139 making decisions about school finance, human capital, and curriculum and instruction for  
140 the opportunity school while developing the leadership capacity in such schools.

141 (3) For opportunity schools under the intervention models in paragraphs (1) and (2) of  
142 subsection (a) of this Code section, the existing local school councils may remain in place  
143 or may be reconstituted under the guidance of the opportunity school principal so long  
144 as they still meet the requirements in Code Section 20-2-86 regarding the composition  
145 of the council. The school council shall serve as an advisory board for the principal.

146 (4) For opportunity schools under the intervention model in paragraph (3) of  
147 subsection (a) of this Code section, parents and advisory board members shall be eligible  
148 for consideration to fill specific roles on the governing board.

149 (d) All opportunity schools shall remain open to enrollment in the same manner with the  
150 same attendance zone as prior to becoming an opportunity school.

151 (e) An opportunity school may purchase services from the OSD, the local board of  
152 education, or an education service provider for routine student support and operational  
153 services for an opportunity school. The opportunity school shall solicit and preferentially  
154 consider qualified local contractors and service providers. The local board of education  
155 shall be required to cooperate fully with the opportunity school, whether under the control  
156 of the OSD or the State Charter Schools Commission, to make available at a reasonable  
157 cost all appropriate services requested. Such services may include, but are not limited to,  
158 transportation, cafeteria services, custodial services, alternative education, broadband,  
159 utilities, special education services, test administration services, and student information  
160 services. The local board of education shall be required to make immediately available to  
161 the opportunity school, at no cost, the student records for all students of that school.

162 (f) Opportunity schools shall develop and provide for positive behavioral interventions and  
163 supports, which means an evidence based data-driven framework to reduce the disciplinary  
164 incidents, increase a school's sense of safety, and support improved academic outcomes  
165 through a multitiered approach, using disciplinary data and principles of behavior analysis  
166 to develop school-wide, targeted, and individualized interventions and supports.  
167 Additionally, opportunity schools shall develop and provide for response to intervention,  
168 which means a framework of identifying and addressing the academic and behavioral needs  
169 of students through a tiered system.

170 (g) Opportunity schools shall develop and provide for integrated student supports that  
171 target academic and nonacademic barriers to achievement and, where appropriate, shall  
172 form partnerships to implement proven or innovative strategies.

173 (h) The OSD Superintendent or OSD charter school governing board shall select and hire  
174 the school principal for an opportunity school. Within the limits of the school budget, the  
175 school principal shall select staff members in accordance with guidance from the OSD or  
176 OSD charter school governing board. Before finalizing staffing recommendations, the  
177 principal, the OSD Superintendent, or the OSD charter school governing board shall  
178 interview all existing staff members at the qualifying school and review student growth and  
179 performance data for those staff members for whom it is available. The OSD or OSD  
180 charter school governing board shall have the authority to decide whether any leader,  
181 teacher, or staff member previously assigned to a qualifying school selected to become an  
182 opportunity school shall continue as an employee of the opportunity school. Any such  
183 employees retained shall become employees of the OSD or OSD charter school governing  
184 board, on the principal's recommendation, and be under their control. Any teacher subject  
185 to Code Section 20-2-942 who is not given the option to continue as an employee for the  
186 opportunity school shall remain an employee of the local board of education. The local  
187 board of education may determine whether or not to continue the employment of any  
188 teacher who is not given the option to continue as an employee for the opportunity school,  
189 subject to Code Section 20-2-942. Local boards of education may use the authority  
190 contained in Code Section 20-2-943 to reassign staff and in Code Section 20-2-948 to  
191 implement their reduction in force policy.

192 20-14-106.

193 (a) For opportunity schools other than OSD charter schools, the OSD Superintendent shall  
194 set clear goals, empower and equip teachers and school leaders to meet the goals, and hold  
195 such teachers and school leaders accountable to meet the goals. The OSD Superintendent  
196 shall approve appropriate waivers for the qualifying school pursuant to subsection (d) of  
197 Code Section 20-14-103.

198 (b) For opportunity schools that become OSD charter schools, the State Charter Schools  
 199 Commission shall set such goals and hold such teachers and school leaders accountable.

200 (c) The OSD Superintendent shall select, approve, or remove the school principal for  
 201 opportunity schools and the governing board members for opportunity schools which  
 202 become OSD charter schools.

203 (d)(1) Each OSD charter school shall have a governing board that is involved in  
 204 school-level governance of the school. The governing board shall be organized and  
 205 operated as a nonprofit corporation under the laws of this state. The OSD charter school  
 206 shall be a public, nonsectarian, nonreligious, nonprofit school that is not home based,  
 207 provided that a school's nonprofit status shall not prevent the school from contracting for  
 208 the services of a for profit entity.

209 (2) The members of the governing board for an OSD charter school shall come from the  
 210 community and shall meet the following qualifications:

211 (A) Must be a United States citizen;

212 (B) Must be a resident of Georgia; and

213 (C) Must not be an employee of the opportunity school.

214 (3) The OSD Superintendent, after soliciting and considering recommendations from the  
 215 local legislative delegation, shall make the final selection of governing board members  
 216 for OSD charter schools and shall ensure that the boards possess the financial, legal, and  
 217 educational expertise needed to successfully run a school.

218 (e) The OSD Superintendent shall enter into an agreement with the school principal, the  
 219 OSD charter school governing board, or the local board of education regarding specific  
 220 goals for each opportunity school related to higher academic outcomes for students, quality  
 221 careers for graduates, safe and positive learning environments for children, parent and  
 222 community engagement, and the efficient and effective use of taxpayer dollars.

223 20-14-107.

224 (a) In an effort to ensure high quality charter petitions for opportunity schools seeking  
 225 OSD charter school status, the OSD Superintendent shall:

226 (1) Solicit, screen, and select or approve OSD charter school governing board members;  
 227 and

228 (2) Assist the OSD charter school governing board members in charter petition  
 229 development and review; provided, however, that such assistance shall conclude upon  
 230 approval by the State Charter Schools Commission of the opportunity school as an OSD  
 231 charter school.

232 (b) In an effort to provide opportunity schools seeking OSD charter school status with  
 233 necessary support, the State Charter Schools Commission shall solicit, screen, and select

234 education service providers, including independent consultants, education management  
235 organizations, charter management organizations, and other support organizations, that can  
236 partner with the OSD charter school governing boards to support or operate such OSD  
237 charter schools.

238 (c) The State Charter Schools Commission shall establish a separate application cycle for  
239 opportunity schools seeking OSD charter school status. Such application cycle shall allow  
240 commission staff and commission members to evaluate the needs of an opportunity school,  
241 match them with an education service provider, and work with both parties to ensure the  
242 execution of a viable curricular model and educational program.

243 (d) Upon renewing a state charter, an OSD charter school shall no longer be considered  
244 a part of the OSD but shall be subject to the terms of its charter and the provisions of  
245 Article 31A of Chapter 2 of this title. The local board of education shall be required to  
246 continue any and all facility use and service provision agreements previously in place with  
247 the OSD regarding any such OSD charter school as long as the OSD charter school  
248 continues to operate in that facility.

249 (e) If an opportunity school is not approved or renewed by the State Charter Schools  
250 Commission as an OSD charter school, the school shall remain under or return to the  
251 supervision of the OSD, and the OSD Superintendent shall reevaluate the school's  
252 performance and determine the appropriate intervention pursuant to subsection (a) of Code  
253 Section 20-14-105 for the school. If an initial charter petition by an opportunity school to  
254 become an OSD charter school is denied by the State Charter Schools Commission, the  
255 opportunity school may submit another charter petition in a subsequent cycle. If a renewal  
256 charter petition by an opportunity school to continue as an OSD charter school is denied  
257 by the State Charter Schools Commission at the end of its initial term, the governing board  
258 of the school may not elect to seek approval from the local board of education as a local  
259 charter school.

260 20-14-108.

261 (a) Facilities of qualifying schools that are transferred to the supervision of the OSD as  
262 opportunity schools shall come under the control of the OSD. The OSD Superintendent  
263 may assign the facility for use by an OSD charter school governing board to operate the  
264 opportunity school. The OSD or the OSD charter school governing board shall be  
265 responsible for paying the pro-rata bond indebtedness of the school. The contents of the  
266 facility, including but not limited to textbooks, technology, media resources, instructional  
267 equipment, and all other resources shall remain with the facility and be available for use  
268 by the opportunity school. In the event that the OSD Superintendent closes a qualifying



269 school, the local board of education shall not use the facility to open a school with the same  
270 grade span or attendance zone that is substantially the same for three years.

271 (b) The OSD or OSD charter school governing board shall be responsible for the routine  
272 maintenance and repair of the facilities and property, such that they are maintained in the  
273 same manner prior to the school's transition to the OSD. The OSD or OSD charter school  
274 governing board shall be responsible for reasonable costs for all utilities at an opportunity  
275 school as provided in subsection (d) of Code Section 20-14-105.

276 (c) The local board of education shall continue to be responsible for extensive repairs, as  
277 determined by the State Properties Commission, to buildings or facilities considered capital  
278 expenses. Any fixtures, improvements, or tangible assets added to a school building or  
279 facility by the OSD while the school is an opportunity school shall remain with the school  
280 building or facility upon its return to the control of the local board of education pursuant  
281 to Code Section 20-14-109.

282 20-14-109.

283 (a) An opportunity school shall remain under the supervision of the OSD for a minimum  
284 of five consecutive years or, for an OSD charter school, for the term of the initial charter  
285 for such school; provided, however, that if an opportunity school earns, for three  
286 consecutive years, a rating above an F pursuant to Code Section 20-14-104, it shall be  
287 removed from the OSD. If an opportunity school that becomes an OSD charter school that  
288 subsequently earns a rating above an F for three consecutive years, it shall no longer be  
289 subject to the oversight of the OSD but shall remain under the authority of the State Charter  
290 Schools Commission and shall operate according to the terms of its charter.

291 (b) An opportunity school shall remain under the supervision of the OSD for no more than  
292 ten years. Renewal of a charter for an opportunity school shall result in the exit of the  
293 school from the OSD. For other opportunity schools, the OSD Superintendent shall engage  
294 the school, the school community, and the school's local board of education in a negotiation  
295 to determine the best transition plan for the school to leave the supervision of the OSD.

296 (c) An opportunity school that becomes an OSD charter school shall work with the State  
297 Charter Schools Commission to renew and continue an effective charter or, if ineffective  
298 as a charter school, shall return to the governance of the OSD. If a successful OSD charter  
299 school does not wish to remain under the authorization of the State Charter Schools  
300 Commission for a subsequent charter term after demonstrating effective performance, the  
301 State Charter Schools Commission and the OSD shall coordinate the development of a  
302 transition plan back to the governance of the local board of education, which may include,  
303 but is not limited to, approval by the local board of education as a local charter school.

304 20-14-110.

305 (a) The OSD shall be treated as a single local education agency; provided, however, that  
 306 opportunity schools that are OSD charter schools shall be treated individually as single  
 307 local education agencies in accordance with Code Section 20-2-2090. The State Charter  
 308 Schools Commission shall annually provide an analysis of the performance of opportunity  
 309 schools that are OSD charter schools. The commission shall work with the OSD  
 310 Superintendent to determine additional assistance that may be needed to improve the  
 311 performance of the school.

312 (b) The OSD shall be responsible for data reporting for all opportunity schools under the  
 313 intervention model in paragraph (1) of subsection (a) of Code Section 20-14-105. The  
 314 local board of education shall be responsible for data reporting for all opportunity schools  
 315 under the intervention model in paragraph (2) of subsection (a) of Code Section 20-14-105.  
 316 OSD charter schools shall be subject to data reporting in accordance with Code Section  
 317 20-2-2090. For all opportunity schools, the entity responsible for data reporting shall  
 318 comply with the requirements of Code Section 20-2-740.

319 20-14-111.

320 (a) Funding for an opportunity school shall be an amount equal to the sum of:

321 (1) QBE formula earnings, QBE grants, and federal grants earned by the school based  
 322 on the school's enrollment, school profile, and student characteristics. QBE formula  
 323 earnings shall include the salary portion of direct instructional costs, the adjustment for  
 324 training and experience, the nonsalary portion of direct instructional costs, earnings for  
 325 psychologists and school social workers, school administration, facility maintenance and  
 326 operation, media centers, additional days of instruction in accordance with Code Section  
 327 20-2-184.1, and staff development and shall include the portion of funds that are  
 328 calculated as the local five mill share pursuant to Code Section 20-2-164;

329 (2) A proportional share of state categorical grants, non-QBE state grants, state  
 330 equalization grants, and all other state and federal grants; and

331 (3) An amount determined by OSD for each student enrolled in such school equal to a  
 332 proportional share of local revenue from the local school system in which the school is  
 333 located.

334 (b) The OSD may withhold up to 3 percent of the amount determined pursuant to  
 335 subsection (a) of this Code section for each opportunity school for use in administering the  
 336 duties required pursuant to this article; provided, however, that any amount withheld  
 337 pursuant to this subsection shall be spent solely on expenses incurred by the OSD in  
 338 performing the duties required by this article. For opportunity schools that are OSD charter

339 schools, the 3 percent withheld shall be shared equally between the OSD and the State  
340 Charter Schools Commission for the initial term of the charter.

341 (c) The total allotment of state and federal funds to the local school system in which an  
342 opportunity school is located shall be calculated as otherwise provided in Article 6 of  
343 Chapter 2 of this title with an ensuing reduction equivalent to the amount of funds  
344 appropriated to the opportunity schools pursuant to paragraph (3) of subsection (a) of this  
345 Code section.

346 (d) Opportunity schools that become OSD charter schools and subsequently exit the OSD  
347 shall continue to be eligible for the same level of funding provided for in this Code section  
348 that they were eligible for while under the authority of the OSD.

349 (e) The General Assembly may appropriate additional funds to be allocated among the  
350 opportunity schools within the OSD at the discretion of the OSD Superintendent for  
351 necessary and innovative purposes. In addition, private funds may be solicited and  
352 accepted by the OSD to support opportunity schools.

353 20-14-112.

354 (a) The State Board of Education is authorized to waive specifically identified State Board  
355 of Education rules, regulations, policies, and procedures, or provisions of Chapter 2 of this  
356 title for schools on warning, schools on probation, and qualifying schools not selected as  
357 opportunity schools. The goal for each waiver shall be improvement of student  
358 performance. Notwithstanding subsection (g) of Code Section 20-2-244, the State Board  
359 of Education is authorized to waive the provisions referenced in paragraphs (1) through (4)  
360 of subsection (g) of Code Section 20-2-244 for schools on warning, schools on probation,  
361 and qualifying schools not selected as opportunity schools and is also authorized to waive  
362 any other state board rule, regulation, policy, procedure, or provision of Chapter 2 of this  
363 title for such schools pursuant to Code Section 20-2-244. Any waivers granted pursuant  
364 to this subsection may be renewable annually based on student performance. The State  
365 Board of Education shall coordinate with the OSD Superintendent in determining  
366 appropriate waivers for a qualifying school that was not selected as an opportunity school  
367 to enable school improvement services and technical assistance by the department pursuant  
368 to subsection (b) of this Code section. The State Board of Education shall communicate  
369 to the OSD Superintendent any waivers granted to a school on warning or a school on  
370 probation. Any waivers granted pursuant to this subsection shall not preclude the school  
371 from being selected in subsequent years for inclusion in the OSD.

372 (b) The Department of Education shall provide school improvement services and technical  
373 assistance to schools on warning, schools on probation, and qualifying schools not selected

374 for intervention by the OSD Superintendent pursuant to this article which may include, but  
 375 is not limited to, appointing a Department of Education school improvement team to:

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

380 (2) Recommend actions, including reallocation of resources and technical assistance,  
 381 changes in school procedures or operations, professional learning focused on student  
 382 achievement for instructional and administrative staff, intervention for individual  
 383 administrators or teachers, instructional strategies based on scientifically based research,  
 384 waivers from state statutes or rules, adoption of policies and practices to ensure all groups  
 385 of students meet the state's proficiency level, extended instruction time for  
 386 low-performing students, strategies for parental involvement, incorporation of a teacher  
 387 mentoring program, smaller class size for low-performing students, or other actions the  
 388 team considers appropriate;

389 (3) Assist in the development of an intensive school improvement plan focused on  
 390 student achievement; and

391 (4) Monitor the progress of the school in implementing the intensive school  
 392 improvement plan focused on student achievement.

393 20-14-113.

394 This article shall be applicable beginning with school year 2017-2018."

395 **SECTION 2.**

396 Said chapter is further amended by repealing Code Section 20-14-41, relating to appropriate  
 397 levels of intervention for failing schools, master or management team, school improvement  
 398 team, annual reports, data revision, and hearings.

399 **SECTION 3.**

400 Code Section 20-2-84 of the Official Code of Georgia Annotated, relating to the  
 401 accountability, flexibility, and consequences components of contracts, is amended by  
 402 revising paragraph (1) of subsection (c) as follows:

403 "(1) Interventions or sanctions for failure to meet identified levels of achievement or for  
 404 not showing specified levels of progress ~~pursuant to Code Section 20-14-41, which may~~  
 405 ~~be accelerated; and"~~

406 **SECTION 4.**

407 Code Section 20-2-186 of the Official Code of Georgia Annotated, relating to the allocation  
 408 of funds for local systems to pay beginning salaries of superintendents, secretaries,  
 409 accountants, nurses, and certain other personnel, is amended by revising subsection (c) as  
 410 follows:

411 "(c) Notwithstanding any provision of this Code section to the contrary, no local system  
 412 shall earn funds under this Code section, except for funds for nurses, accountants, visiting  
 413 teachers, school psychologists, and secretaries, if the local board of education has not  
 414 implemented in a failing school within the system the interventions, ~~as defined in Code~~  
 415 ~~Section 20-14-41~~, that are prescribed by the State Board of Education or the office pursuant  
 416 to their respective authority."

417 **SECTION 5.**

418 Code Section 20-2-2068 of the Official Code of Georgia Annotated, relating to termination  
 419 of a charter for a charter school, is amended by revising subparagraph (a)(2)(A) as follows:

420 "(A) A failure to comply with any recommendation or direction of the state board with  
 421 respect to ~~Code Section 20-14-41~~ any intervention prescribed by the state board  
 422 pursuant to the charter;"

423 **SECTION 6.**

424 (a) This Act shall become effective on January 1, 2017, only if an amendment to the  
 425 Constitution is ratified at the November, 2016, general election expressly allowing the  
 426 General Assembly to authorize the establishment of an Opportunity School District to  
 427 provide for state intervention for failing schools.

428 (b) If such an amendment to the Constitution is not so ratified, then this Act shall not  
 429 become effective and shall stand repealed by operation of law on January 1, 2017.

430 **SECTION 7.**

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