

House Bill 874

By: Representatives Teasley of the 37th, Fleming of the 121st, Brockway of the 102nd, and Cantrell of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to charter schools, so as to provide for fair and timely notice when any process is
3 initiated which could lead to the closure or restructuring of a charter school; to provide for
4 definitions; to provide notice requirements; to provide for a public hearing; to provide for a
5 student and family impact statement; to provide for related matters; to provide for a short
6 title; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Student and Family Fair Notice and Impact
10 Statement Act."

11 **SECTION 2.**

12 Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
13 charter schools, is amended by adding a new Code section to read as follows:

14 "20-2-2075.

15 (a) As used in this Code section, the term:

16 (1) 'Authorizing entity' means the State Board of Education or the State Charter Schools
17 Commission established pursuant to Article 31A of this chapter.

18 (2) 'Charter school' means a local charter school, a state chartered special school, or a
19 state charter school as defined in Code Section 20-2-2081.

20 (3) 'Notice' means written notice via first-class mail using any contact information which
21 the charter school possesses.

22 (4) 'Significant restructuring' means any action that requires a charter school to change
23 curriculum, enrollment, grades or programs offered, leadership, governing board
24 composition, more than one-third of its teaching staff, or contractors for educational
25 services.

26 (b)(1) If a charter school receives any communication from an authorizing entity
27 initiating a process that could lead to termination, revocation, nonrenewal, or significant
28 restructuring as a condition of continued operation, the charter school shall provide notice
29 to the parents of all enrolled students within five days of receiving such communication.
30 The notice shall include a copy of the communication received from the authorizing
31 entity, any reasons or data used to support the communication, and detailed information
32 about the process for termination, revocation, nonrenewal, or significant restructuring,
33 including the requirements of this Code section.

34 (2) If a charter school intends to surrender its charter, the charter school shall provide
35 notice to the parents of all enrolled students within five days of making such decision.
36 The notice shall include reasons for the decision to surrender the charter and provide
37 detailed information about the process for termination, revocation, nonrenewal, or
38 significant restructuring, including the requirements of this Code section.

39 (c)(1) Within 60 days of providing notice to parents pursuant to subsection (b) of this
40 Code section, the authorizing entity, where it has communicated action, or the charter
41 school, where it intends to surrender its charter, shall prepare a student and family impact
42 statement in accordance with subsection (d) of this Code section. Where the authorizing
43 entity is preparing the student and family impact statement, it shall cooperate with the
44 governing body of the charter school in the preparation of the statement.

45 (2) When the student and family impact statement is completed, a notice and a copy of
46 the impact statement or readily available access to it shall be provided to the parents of
47 all enrolled students. Within 60 days after providing notice of the completed student and
48 family impact statement, but not sooner than within 15 days, the authorizing entity or
49 charter school, as applicable, shall hold a public hearing at which any interested parents,
50 school officials, teachers or staff, or community members shall be allowed to present
51 testimony on the findings of the student and family impact statement. Interested parties
52 shall also be allowed to present expert testimony. Where the authorizing entity has
53 communicated action, the governing board of the charter school shall also be allowed to
54 present for consideration a student and school improvement plan in place of the proposed
55 action by the authorizing entity.

56 (3) The authorizing entity shall not take final action to terminate, revoke, nonrenew, or
57 significantly restructure a charter school pursuant to Code Section 20-2-2068 or
58 20-2-2083 and a charter school shall not surrender its charter, except in the presence of
59 imminent health or safety issues, until at least 30 days after the public hearing required
60 by paragraph (2) of this subsection is conducted. Any such action shall be taken at an
61 open meeting conducted in accordance with Chapter 14 of Title 50, relating to open and
62 public meetings.

63 (d)(1) The student and family impact statement shall be prepared after a mandatory
 64 survey of the parents of all students enrolled in the charter school. The survey shall be
 65 conducted in a manner that maximizes parental participation. The survey shall seek the
 66 input of the parents on all issues that the student and family impact statement shall
 67 address pursuant to paragraph (2) of this subsection, including, but not limited to, if
 68 parents believe the charter school should be closed, be significantly restructured, or
 69 remain open; satisfaction level with the charter school; individual parent opinion on the
 70 academic impact on their student if returned to their assigned school; individual reasons
 71 for choosing the charter school; and for special education students, detailed information
 72 on the level of service at the charter school and their assigned school.

73 (2) The student and family impact statement shall concisely describe and analyze the
 74 proposed action that has been noticed which may have a significant impact on students
 75 and families. The statement shall be available to the public for information and comment.
 76 At a minimum, the statement shall include:

77 (A) A description of the proposed action, including its need and benefits;

78 (B) A review of the potential impact on students in the school who are proficient or are
 79 achieving academic growth greater than their prior educational setting;

80 (C) If the charter school were to close, a full review of the public school to which each
 81 student would be assigned;

82 (D) A review of all similar charter schools in the state in terms of performance and
 83 at-risk populations and an analysis of any actions taken related to other similarly
 84 situated charter schools;

85 (E) An analysis of the special education population in the school and how those needs
 86 would be met for individual students should the charter school be closed. This analysis
 87 shall include any students who had an Individualized Education Program in place when
 88 they enrolled in the school;

89 (F) A survey of the teachers in the school regarding the impact on their individual
 90 students should the charter school be closed or significantly restructured;

91 (G) A review of the impact on the public school or schools where students will be
 92 assigned should the charter school be closed;

93 (H) To the extent the proposed action is based in part or in whole upon standardized
 94 test scores, a review of the participation in the tests and any reliability issues, real or
 95 perceived, with the standardized tests relied upon;

96 (I) To the extent the proposed action is based in part or in whole upon a performance
 97 framework, a full review of the performance framework in place for the school, the
 98 process for creating the performance framework, and progress on any aspects of the
 99 performance framework;

- 100 (J) An analysis of reasonable alternatives to the proposed action; and
101 (K) Identification of ways to reduce or avoid an adverse impact on students and
102 families, including a separate section on the impact on students with special needs."

103

SECTION 3.

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