Opportunity School District

Frequently Asked Questions (FAQs)

1) **What is this proposal?**

   The proposed constitutional amendment and enabling legislation would authorize the state to step in and intervene in persistently failing public schools and rescue the children languishing in them. This model creates a new, state-run school district, the Opportunity School District (OSD), in which Georgia's worst performing schools can be placed. This model has already been used successfully in other states and allows schools the opportunity to receive the support and undergo the changes they need to improve – free of any restraints or limiting policies imposed by the district.

2) **What is the Opportunity School District?**

   The OSD is an organizational unit of the Governor's Office of Student Achievement (GOSA), established and administered by the superintendent of the Opportunity School District (OSD) for the purpose of providing oversight and operation of failing schools assigned to the OSD.

3) **Who will lead the OSD?**

   The Governor shall appoint a superintendent of the OSD, to be confirmed by the Senate. The OSD superintendent shall be a direct report to the Governor.

4) **What is the trigger for a school becoming eligible to enter the OSD?**

   A school that has earned a rating of "F," assigned by the Governor's Office of Student Achievement (GOSA) and based on the state accountability system approved by the State Board of Education (SBOE), for a <u>minimum of three consecutive years</u> is eligible to enter the OSD. Schools that earn an "F" rating for the first year will be on warning status. Schools that earn an "F" rating for two consecutive years will be on probationary status.

   The SBOE's approved system is currently the College and Career Ready Performance Index, an accountability measure that takes into account student achievement, student growth, and reducing the gap between the lowest performing 25% of students in a school and the state average. Because parents of students in failing schools often feel they are without options to give their children a better education, we feel strongly that the state must establish policies that empower parents to improve the educational opportunities available to their children.

5) **What resources will be provided to support and assist a school on "warning" or "probationary" status?**

   The Georgia Department of Education (GaDOE) shall provide school improvement services and technical assistance to schools on "warning" or "probationary" status, as well as to qualifying schools not selected for intervention by the OSD superintendent. During the warning and/or probationary years – or if not selected for intervention by the OSD, the district could apply to the

State Board of Education for one-year waivers for the warned, probationary, or eligible school that would allow adequate flexibility for innovative programs to support improvement. The OSD superintendent will coordinate with the Department of Education to determine appropriate waivers for qualifying schools, and GaDOE will communicate with the OSD superintendent about waivers granted to schools on warning and probation.

6) **How many schools in the state would be eligible currently?**
   6.4% of schools (139 of 2184 schools in the state) would qualify due to having an "F" (currently defined as less than 60) score for the last three consecutive years (School years 2011-2012, 2012-2013, 2013-2014). The list of eligible schools will be updated by GOSA as the state's accountability system ratings are published or updated each school year.

7) **How would the state select the schools in which to intervene?**
   The state would select no more than 20 schools to add to the Opportunity School District in any single school year. The OSD's maximum capacity would be 100 schools at any given time to keep the OSD on a scale where full attention and resources can be directed to these schools. Selection would be based on ranking the qualifying schools based on their average scores over the three year period and several other considerations, including geographic clusters of qualifying schools, feeder patterns with multiple eligible schools, current turnaround efforts, availability of qualified partners, and community engagement and support. The school selection process would include a public hearing to allow for parent and community input, as well as meetings with the school principal, the district superintendent and board members, but the final selection would be up to the OSD superintendent. The final selection should be geographically diverse, including urban and rural schools.

   The OSD superintendent shall develop guidelines and procedures for the operation of the OSD, including specific processes for the review and selection of OSD-eligible schools for intervention in any given year. The OSD superintendent shall annually provide a report to the General Assembly on all aspects of operation, including the selection, reform model chosen, and the progress of the opportunity schools. The report shall also be published on the GOSA website.

   The OSD superintendent would have the authority to remove a school from the jurisdiction of the OSD at any time. This would not include schools that were approved as state commission charters.

8) **What is the timeline for interventions by the Opportunity School District?**
   The enabling legislation has been filed in the form of Senate Bill 133 of the 2015 session. The accompanying Senate Resolution 287 provides for a November 2016 vote on a constitutional amendment. The earliest the OSD would intervene in any eligible school would be in the 2017-2018 school year.

   The OSD superintendent shall evaluate and identify the schools selected for intervention no later than April 1st prior to the initial school year for the OSD reform model. The specific reform

model most appropriate for each school shall be identified by the OSD superintendent no later than July 1st of the effective school year.

9) What school reform models are available to the superintendent of the OSD?
- Direct management: The OSD superintendent directly runs the school.
- Shared governance: The OSD superintendent enters into a contract with the LEA operating the school directing changes that must be made at the school.
- Charter: OSD works in collaboration with the State Charter School Commission (SCSC) to build capacity of petitioning governing boards and charter school applications.
- Closure: OSD may close a failing school not enrolled at full capacity and reassign the students to another high achieving school within the district depending on the available capacity.

Prior to transferring any school into the OSD, the OSD Superintendent shall conduct an evaluation of the school to determine the factors contributing to the school's performance and shall conference with the school principal, local board of education members, and the local school superintendent to share the findings of the evaluation and discuss options for remediation in a joint effort between the OSD and the local school system.

Once a school is identified for inclusion in the OSD, the OSD superintendent will immediately begin assessing the capacity of each school in order to determine which reform model is most appropriate given each school's unique circumstances. Any OSD schools identified as potential OSD charter school candidates will immediately embark on a planning year period.

The OSD superintendent must implement a process for gaining community feedback and input to inform his or her decision regarding the most appropriate reform model for a given school. This process would include, but not be limited to, public hearings, interviews with school council members, school personnel, community business leaders, and other key community members and leaders. New options can enrich lives, brighten futures and rekindle hope for educational futures of children in these school communities. Parents and communities will have an opportunity to engage in and support the success of the OSD schools.

10) What is the duration of time a school spends in the OSD?
An opportunity school shall remain under the supervision of the OSD for a minimum of five consecutive years, or, for an OSD charter school, for the term of the initial charter. If, however, an opportunity school performs, for three consecutive years, above an F on the state accountability system, it shall be removed from the OSD. For opportunity schools that have become OSD charter schools and then perform at a level above an F for three consecutive years, they shall no longer be subject to the oversight of the OSD but will remain under the authority of the State Charter Schools Commission and will operate according to the terms of their charter contracts.

After a school has demonstrated effective performance, the OSD will engage the school, the school community, and the school's district in a negotiation to determine the best transition plan

for the school to exit the OSD. An OSD charter school that becomes a State Charter Commission School will work with the State Charter School Commission to both renew and continue an effective charter or, if ineffective as a charter, return to the governance of the OSD. If the successful OSD charter school does not wish to remain under the authorization of the SCSC for a second charter term after demonstrating effective performance, the SCSC will work with the OSD to coordinate the development of a transition plan back to the local school district.

11) Has this model been used successfully in other states?

Yes, Louisiana, Tennessee and Michigan have the authority to intervene in failing schools in this manner. In 2011, Michigan created the Education Achievement Authority (EAA) to operate the lowest performing schools in the state; the first schools taken into the EAA were in Detroit. However, Louisiana and Tennessee are the two states with programs most similar to what Georgia is proposing.

In 2003, Louisiana passed legislation creating the country's first of these models. The Recovery School District (RSD) removed the state's failing schools from their local districts and administered intensive turnaround policies. This model was expanded significantly after Hurricane Katrina in 2005. Louisiana's law has been enacted for the longest period of time, and the data clearly show it has been a success. A report by NPR found that New Orleans schools posted the largest, fastest improvement in test scores ever produced in an urban public school system. Additionally, a Fordham Institute report found that the average graduation rate for high schools in the RSD increased by 19 percentage points and the overall school performance scores increased by 18 percent. Since 2007, the percent of students performing at grade level on state assessments in RSD schools has more than doubled, and the district has made significant progress in closing the gap with the state average performance.

Tennessee created the Achievement School District (ASD) in 2011 to remove failing schools from their local districts and place them under the authority of the state's Department of Education. The first schools were placed in the ASD in the fall of 2012. During 2013-2014, the first cohort of six ASD elementary and middle school students outgained students across the state in math and English.

12) Are there schools and districts in Georgia that have been successful in providing high quality, highly effective learning environments and experiences where the student body is similar to the OSD-eligible schools? Are there lessons to be learned from those schools and districts that will help ensure the success of the OSD?

In 2014, there were a number of schools in Georgia with 80% or more of their students identified as economically disadvantaged and minority that earned an 80 or higher on the CCRPI for the previous three years. 69% of these schools are located in districts that spent less than the state average per pupil expenditure in 2014. There were even more schools with the same student body characteristics that scored at or above the state average on the CCRPI in all three years. 74% of these schools are located in districts that spent less than the state average per pupil expenditure in 2014.

Several key actions and strategies for success become evident in feedback from some of these schools and districts, as well as in case study analysis of some of the most successful Race to the Top school turnarounds.

- Putting into place a strong leader and leadership team to establish a positive school environment and culture
- Implementing a rigorous instructional framework to ensure quality, collaboration, and consistency
- Using consistent formative assessments and other student data to identify and respond to specific needs for student learning and teacher professional development
- Provide timely intervention during the school day according to student need
- Using technology supports for students and teachers
- Creating a community that shares responsibility for learning among all staff members
- Assigning more staff to schools with challenging populations
- Engaging the community in the work of the school
- Using collaborative support from the district and the state to foster the school's growth

Opportunity schools shall develop and provide for response to intervention frameworks and positive behavioral interventions and supports to reduce the disciplinary incidents, increase the school's sense of safety, and support improved academic outcomes.

13) What difference could the OSD make if successful in moving "F" schools to be "C" schools?

Schools that have earned "F" on the CCRPI for three consecutive years currently enroll 78,902 students. There is tremendous potential for positive impact on the educational experiences and in the lives of these students, some of whom are limited to attending failing schools for much or all of their K-12 careers.

On the average, failing schools have a 2014 four-year cohort graduation rate of 55.7, compared to 79.3 for the borderline "C" schools. If each of the 23 failing high schools increased its four-year graduation rate to 79.3, an additional 1,238 students would have graduated from high school in 2014.

Also on the average, 31.4% of third graders read on grade level in failing schools, compared to 56.8% of students in the borderline "C" schools. If each of the 89 failing elementary schools increased the percentage of third graders reading on grade level to 56.8%, an additional 1,813 students would have read on grade level in 2014.

14) How does a school exit from the OSD?

The school would have the option to return to local control or continue to operate as an independent State Charter Commission School after demonstrating improvement and performance over an appropriate time period within the OSD or as a state commission charter. (See FAQ #10.) After a school has demonstrated effective performance, the OSD will engage the school, the school community, and the school's district in a negotiation to determine the best

transition plan for the school to exit the OSD. An OSD school that becomes a State Charter Commission School will work with the State Charter School Commission to both renew and continue an effective charter or, if ineffective as a charter, return to the governance of the OSD.

15) What is the role of the OSD superintendent?

The OSD superintendent hires and/or approves the selection of the school principal and/or the governing board members for OSD charter schools.

The OSD superintendent sets clear goals for all traditional schools within the OSD (traditional schools and charter schools), empowers and equips teachers and leaders of the schools to meet the goals, and holds them accountable. For potential state commission charter schools, the OSD superintendent will assist members of the governing board in establishing goals and plans for the charter.

The OSD superintendent will enter into agreements with the traditional school's principal regarding specific goals related to higher academic outcomes for students, quality careers for graduates, safe and harmonious learning environments for children, parent and community engagement, and the efficient and effective use of taxpayer dollars.

16) What decisions will be made by the school leaders?

School level leaders and/or charter school governing boards will make decisions about school finance, human capital and curriculum and instruction. The OSD superintendent and staff and/or the SCSC will provide appropriate training and support to develop effective leadership in these areas.

17) What will be the role of parents and school councils in OSD schools?

Parent and community input will be solicited formally, during public hearings, and informally throughout the planning and implementation of the OSD reform model in a school. The existing local school councils may remain in place or may be reconstituted under the guidance of the OSD school principal so long as they still meet the requirements in § 20-2-86 regarding the makeup of the council. State law requires that a majority of the council be parents/guardians of students enrolled in the school; two members must be business persons; two teachers and the principal must also be on the council. The school council would serve as an advisory board for the principal.

In an OSD school that becomes an OSD charter, parents and advisory board members will be eligible for consideration to fill specific roles on the governing board. Those roles will likely include, but will not be limited to, those identified in published research on the composition of high performing charter school governing boards: attorney, accountant, real estate expert, education and curriculum specialist, and special education specialist. The governing board members will come from the community, will be identified through conversations and discussions with the community, and may even be nominated by the community. The OSD superintendent will make the final selection after soliciting feedback from the local legislative delegation.

18) Which students will attend an OSD school?

> The OSD schools, under any reform model, will have the same attendance zones and student populations as they had under the authority of the LEA. The student body will not change.

19) What funds are schools within the OSD entitled to receive?

> The OSD is one single LEA, with the exception of state-approved OSD charters which operate as stand-alone Local Education Agencies (LEAs) under the authority of the SCSC and are therefore entitled to state charter funding as outlined in statute.

> The schools within the OSD are entitled to all local, state and federal funds that were available to the school prior to the transfer of the school into the OSD. The OSD shall retain no more than 3 percent of the funds for administrative operations. For OSD schools that become OSD charter schools, the 3 percent withhold shall be shared equally between the OSD and the SCSC for the initial contract term.

> Opportunity schools that become state charter schools and exit the OSD shall continue to be eligible for the same level of funding as provided while under the authority the OSD.

> The General Assembly may appropriate additional funds to be allocated among the schools within the OSD at the discretion of the OSD superintendent for necessary and innovative purposes. In addition, private funds may be solicited by the Governor's Office of Student Achievement and the OSD to support these schools.

20) Who is responsible for data reporting for schools within the OSD?

> The OSD is responsible for reporting data for all schools within the OSD operated under direct management, 20-14-105(a)(1). The local board of education is responsible for data reporting for all opportunity schools operated under shared governance 20-14-105(a)(2). OSD charter schools, operated under 20-14-105(a)(3), will be considered separate Local Education Agencies (LEAs) and will report their data just as any LEA in the state would do.

21) What happens with the school facility?

> The existing school facility will come under the control of the OSD. The OSD superintendent may repurpose the building to the new operator of the school. The OSD or the school operator is responsible for paying the pro-rata bond indebtedness of the school as well as maintaining the school. The contents of the facility (textbooks, technology, media resources, instruction equipment and resources, etc.) will remain with the facility and be used by the school while under control of the OSD or the school operator. The existing utilities supplied to the facility (all standard utilities including broadband capability and internet access) by the LEA shall remain in place for the OSD school.

> The OSD or charter school governing board is responsible for paying for routine maintenance and repair such that the facilities and property are maintained in as good order as when the right of

use was acquired by the OSD. The OSD shall also be responsible for paying the LEA a reasonable cost for all utilities in use at OSD facilities.

The local school district is responsible for extensive repairs, as determined by the State Properties Commission, to buildings or facilities considered capital expenses. . Any fixtures, improvements or tangible assets added to a school building or facility by the OSD shall remain at the school building or facility upon its return to the local district.

In the event that an OSD school becomes a successful OSD charter school, and elects to continue operating as an OSD charter school following the initial charter term, the LEA shall be required to continue any and all facility use and service provision agreements previously in place with the OSD charter school as long as the school continues to operate a public school in that facility.

In the event the OSD superintendent closes a qualifying school, the LEA shall not use the facility to open a school with the same grade span or an attendance zone that is substantially the same for three years. The facility would be eligible for other appropriate uses by the LEA.

22) What happens with the school faculty?

In an OSD school, or an OSD charter school developed through a partnership with the SCSC, the faculty and staff hired to work in the schools will become employees of the OSD or charter governing board and be under their control. The OSD superintendent or charter governing board will select and hire the principal.

Within the limits of the school budget, staffing will be determined by the principal using a process developed with guidance from the OSD or charter school governing board. Before finalizing staffing recommendations, the principal, the OSD superintendent, or the charter governing board shall interview all existing staff members at the qualifying school and review student growth and performance data for those staff members. The OSD school principal, or any charter governing board approved by the SCSC, will have the authority to decide whether any leader, teacher, or staff member previously assigned to an OSD school will continue to be an employee of either the OSD or the charter school governing board.

Any tenured teacher not given that option shall remain an employee of the LEA. The LEA may determine whether or not to continue the employment of a non-tenured teacher not given that option under the provisions of O.C.G.A. 20-2-948 or 20-2-943.

23) How will the school provide support services and routine operational services?

The school will purchase services from either the OSD, the LEA, or another contract provider of its choosing for a number of routine student support and operational services. The schools will be required to purchase testing administration services and student information system services from the OSD or education service provider. The LEA will be required to cooperate fully with the school, whether under the control of the OSD or a charter school governing board, to make available at a reasonable cost all appropriate services requested. This may include, but is not limited to,

transportation, cafeteria, custodial, alternative education, broadband, utilities, and special education services.

24) What is the role of the OSD superintendent in ensuring high quality charter petitions are submitted to the State Charter School Commission?

The State Charter School Commission (SCSC) has rigorous standards for approval of state charter schools. In an effort to attract high capacity board members, the superintendent of the OSD will solicit, screen and select charter school governing board members.

The OSD superintendent will assist the school governing board members in petition development and review.

The OSD superintendent's role with the school governing board will phase out after the school is approved by the SCSC.

25) What does a potential OSD charter school candidate's planning year period involve?

The planning year entails a series of "readiness" benchmarks that individually and collectively assess a school's developing capacity to operate as an independent LEA at various points throughout the year. These benchmarks essentially constitute the SCSC application process for OSD charter petitioners. In other words, once a school successfully meets the requirements associated with all benchmarks, it automatically receives SCSC approval.

Readiness benchmarks include, but are not limited to, governing board member identification (led by the OSD superintendent), service provider identification (led by the SCSC), charter petition development, and petition evaluation (including academic program, operational compliance, and financial viability).

A school that does not meet all the readiness benchmarks in the initial planning year will be granted additional time (up to another 12 months or another academic year) to continue working toward successful completion of all benchmark requirements.

26) What is the role of the State Charter School Commission in ensuring high quality charter petitions are submitted to the Commission?

In an effort to provide OSD charter candidates with support, the SCSC will solicit, screen and select education service providers including independent consultants, education management organizations (EMOs), charter management organizations (CMOs), and other support organizations that can partner with OSD charter boards to support their operation as stand-alone LEAs. (For example, the process utilized by the Tennessee Achievement School District has high quality providers in the queue that can be matched with charter governing boards based on the needs of the school as well as the strengths of the EMO/CMO or other service provider.)

The State Charter Schools Commission will establish a separate application cycle for OSD schools seeking OSD charter status. This application cycle will allow the OSD Superintendent and SCSC

staff and commissioners to evaluate the needs of a school, match them with a service provider, and work with both parties to ensure the execution of a viable curricular model and educational program.

OSD schools that gain approval from the State Charter School Commission will not be treated differently than other state charter schools beyond the application process. After gaining SCSC approval, the applicant is no longer part of the OSD LEA and the OSD charter school is held to the same legal, financial, and academic accountability standards as all state charter schools.

27) What happens to an OSD charter applicant that does not gain State Charter School Commission approval in its initial or subsequent application cycle?

If an OSD charter applicant fails to successfully complete a series of established "readiness benchmarks" within two academic years, the school remains part of the OSD, and the superintendent must employ one of the other reform models. To date, the primary reasons for denial of SCSC applications are governance capacity and inability to understand or demonstrate capacity to run a stand-alone LEA. The SCSC currently offers training to petitioners, and will extend this to OSD applicants, on these and other areas related to developing high-quality charter school petitions. Refer also to FAQ #24 for additional information regarding the planning year period for an OSD school to prepare a state charter application.

28) What are the roles and responsibilities of the OSD superintendent and the State Charter School Commission during the initial charter term of an OSD school?

Prior to approval as an OSD charter school, the OSD superintendent solicits, screens, and selects high capacity governing board members for an OSD charter school applicant. The SCSC solicits, screens, and vets high capacity education service providers that may be selected to partner with OSD schools gaining OSD charter school status. The identified governing board, with assistance from the OSD superintendent, selects from a pool of SCSC approved education service providers to assist the charter school governing board during the planning year and, if desired, throughout the charter term.

Following approval by the SCSC, the Commission will work with the OSD charter school governing board to establish appropriate charter goals that will be included in the school's charter contract. The SCSC shall report annually to the OSD superintendent on the progress of OSD charter schools. At any point during the initial charter term, the OSD superintendent may request early termination of the OSD charter school's contract if the school has not made adequate progress toward contracted performance goals. If such a request is made, the SCSC shall oblige.

29) What is an education service provider?

Education service providers are essentially vendors or consultants that provide services needed in and contracted for by a school. These could include, but are not limited to, non-profit or for-profit charter management operators, a non-profit agency or service organization, or independent consultants specializing in a specific area such as financial management or legal compliance. All public schools, charters included, may contract with providers for any number of goods and

services, and all such contracts would include appropriate termination provisions, reasonable fee schedules, clearly outlined services and deliverables, etc.

30) What happens if a school is approved by the State Charter School Commission but fails to meet the contracted performance goals and is closed at the end of its five year charter?

The school returns to the control of the OSD. The governing board may not elect to seek approval from the local school board. The OSD superintendent shall reevaluate the school's performance and work with the school, district, and school community in determining the most effective governance model to implement.

31) How does this reform support the bipartisan work to reform the state's juvenile and criminal systems?

All research indicates a very strong correlation between low high school graduation rates and high incarceration rates. In fact, 70% of Georgia inmates do not have a high school diploma. Improving educational outcomes for students in areas of the state where there are high incarceration rates will provide these young people with a bright future instead of a life behind bars.

32) Why should this reform be a top priority for the 2015 legislative session?

A child's zip code should not determine the quality of his or her education. If we want to break the cycle of poverty, which is a factor in many failing schools, we must educate the children in these schools so that they have the skills to escape poverty. If we want to interrupt the cycle of dysfunctional families, we must educate the children in those homes so that their families of the future will return to normalcy. If we want to support families frustrated with the ineffective schools to which their children are limited by geography or income, we must provide additional options to break the cycle of underperformance in these schools. If we want our young people to have hope, we can give them a great beacon of hope by giving them access to a quality education that leads to a good job, a stable family and the stairway to the future.

33) How is the authority provided by the OSD any different from the authority provided in the Official Code of Georgia § 20-14-41?

This code section provides direction and authority to the State Board of Education (SBOE) to establish systems of support for schools not meeting identified levels of achievement or not showing progress, as determined by GOSA. This authority specifies the methods and types of technical assistance that may be provided to Georgia's lowest performing schools by the SBOE, as well as the interventions or sanctions that may be implemented by the SBOE. Under the provisions of this code section, the SBOE has implemented technical assistance and some interventions for a number of years in Georgia's lowest performing schools.

In the past, SBOE has stopped short of implementing some authority in the legislation that enables mandating removal of personnel, implementing a state charter school, reconstituting the school, providing choice to attend other public schools in the LEA, or designating a monitor, master, or management team in the school that shall be paid by the district. If SBOE attempted to implement

some of those consequences now, the case law established in Gwinnett County School District vs. Cox, 2011, which specified that local boards of education have exclusive control over general K-12 schools, would prohibit such action. The constitutional amendment is required to establish the state's authority to intervene in failing schools through the OSD.

O.C.G.A. § 20-14-35 provides GOSA the authority to conduct audits of schools and to raise or lower the performance ratings of schools as a result of such audits. GOSA has used this authority to conduct the annual erasure analyses for the Georgia state assessment programs. In addition, school audits have been conducted when stakeholder complaints received in the office indicated a need to do so.