

## Opportunity School District Legislation

In the 2015 Legislative Session, the Georgia General Assembly passed two pieces of legislation relating to the proposed Opportunity School District (OSD). The first piece was a [resolution](#) (SR287) proposing an amendment to the Georgia constitution to create a new state-wide school district – the OSD – to allow state takeover of schools that have been labeled “failing.” The voters of Georgia will now have the chance to vote on this proposed amendment to the Georgia Constitution in November 2016. The second piece of legislation is the [“implementing legislation”](#) (SB133) that details how the proposed OSD would operate if the constitutional amendment passes.

### The Proposed Constitutional Amendment

The amendment to the Georgia Constitution is far more important than the implementing legislation. If passed by Georgia voters this amendment will forever change the Georgia Constitution and only a subsequent constitutional amendment can change or eliminate the language of the amendment.

Specifically, the amendment voters will be asked to approve is as quoted below:

Paragraph VIII. *Opportunity School District.* Notwithstanding the provisions of Paragraph II of this section, the General Assembly may provide by general law for the creation of an Opportunity School District and authorize the state to assume the supervision, management, and operation of public elementary and secondary schools which have been determined to be failing through any governance model allowed by law. Such authorization shall include the power to receive, control, and expend state, federal, and local funds appropriated for schools under the current or prior supervision, management, or operation of the Opportunity School District, all in the manner provided by and in accordance with general law."

The most important things to know about the amendment are these:

- The language of the proposed amendment allows the state to take locally-owned school facilities into the new state OSD with no input from parents or teachers at the schools.
- The state determines the definition of “failing.” Currently, the implementing legislation allows the Governor’s office to assign a grade of A-F to each school in the state based on the state accountability system, which is the College and Career Readiness Performance index (CCRPI). CCRPI was never intended to measure failure or success of a school but was instead created to measure growth.
- The amendment allows the state to usurp local funds to run the schools it takes over and to control these local dollars even after a school exits the OSD. Never before have state-created charter schools been able to access local dollars.

## The Implementing Legislation

If the constitutional amendment creating the OSD is ratified by Georgia voters in November 2016, the implementing legislation contained in SB 133 will provide the details of the newly-created school district. Unlike the constitutional amendment, which can only be changed by another constitutional amendment, this legislation can be changed by the legislature during any subsequent legislative session.

The details of this implementing legislation include many provisions which will undercut the strength of our public school system. Some of the main challenges are:

- The Superintendent of the OSD is appointed by the Governor and is responsible only to the Governor. While Senate approval of the appointment is necessary, there is no public accountability for this “czar,” unlike all local superintendents. (Section 20-14-102(a))
- The OSD Superintendent will have sole discretion in choosing what eligible schools to take over. (Section 2-14-103(b))
- The OSD Superintendent has 4 options with a school that is taken over and placed in the OSD. One of the options includes closing the school and reassigning the students, although the process of reassignment is unclear. (Section 20-14-105)
- If an OSD school is closed, the local system cannot use the school again for 3 years. (Section 20-14-108(a))
- Another option is that the OSD Superintendent may convert the school into an OSD charter school. Unlike all other conversion charters in Georgia, approval from a majority of parents and teachers is not required for conversion to an OSD charter school. (Section 20-14-105(a)(3))
- The OSD charter school can contract with a FOR PROFIT entity for management services. (Section 20-14-106(d)(1))
- As noted, this implementing legislation is subject to change during any legislative session and the criteria for “failing” may be easily changed.