

Exhibit B – Flexibility Component of Contract For the Clayton County Public Schools

Under O.C.G.A. § 20-2-80 and SBOE Rule 160-5-1-.33, Clayton County Public Schools is seeking flexibility for all its schools from the following state statutes and associated rules in exchange for greater accountability (as outlined in the SWSS/IE2 Partnership Contract) over the life of a five-year contract which allows for six years of flexibility between the Clayton County Board of Education and the Georgia State Board of Education, except as prohibited in O.C.G.A. § 20-2-82(e).

Waiver(s)	Sample Justification
Alternative and Traditional Educational Programs (O.C.G.A. § 20-2-154.1)	CCPS would utilize this flexibility to adjust the time requirement for middle school alternative students. Systems would still receive credit for six segments for each middle and high school alternative student. The waiver would provide options for compacted instruction to help students get back on track academically or to have more time for technical college dual enrollment classes. This would also allow for more flexibility on service delivery as well as the required allotted time for each course to best address the needs of students.
Awarding Units of Credit and Acceptance of Transfer Credit and/or Grades except to the extent that measures of accountability are not affected (SBOE Rule 160-5-1-.15)	CCPS would utilize this flexibility to award course credit through additional options as determined the District for students to meet graduation requirements.
Categorical Allotment – Article 6 of Chapter 2 of Title 20 (O.C.G.A. § 20-2-167, O.C.G.A. § 20-2-183 to 20-2-186)	CCPS would like the flexibility to spend appropriated dollars where it supports the system strategic plan to meet the needs of students rather than in required categories.
Certification (O.C.G.A. § 20-2-108, §20-2-200, § 20-2-201, § 20-2-204)	CCPS seeks flexibility from state certification requirements for certified staff to allow for the selection of content qualified applicants based on content expertise and knowledge when needed.
Class Size/Staffing and Reporting Requirements (O.C.G.A. § 20-2-182)	CCPS would like the flexibility to assign staff in a manner that supports the district’s strategic plan for improving student achievement. CCPS would like the flexibility to waive class size requirements in order to ensure financial stability and align all spending priorities with the district’s strategic plan to improve student achievement.
Competencies and Core Curriculum, Online Learning (O.C.G.A. § 20-2-140.1, § 20-2-142)	CCPS may use this waiver to provide support to individual students based on need.
Comprehensive Health and Physical Education (HPE) Program except as prohibited by O.C.G.A. § 20-2-82(e) (SBOE Rule 160-4-2.12)	CCPS may use the flexibility of this rule to create additional alternatives for students to meet the required HPE program requirements. Our goal is to develop ways to include additional physical fitness time in our students’ schedules while also receiving funding for the additional instructional time. Physical activities could be incorporated into core academic classes (such as ROTC, band, Varsity athletics) and other electives and count toward HPE program requirements.
Education Program for Gifted Students (SBOE Rule 160-4-2-.38)	CCPS will use the waiver to provide a variety of delivery models, instructional time, class size, and staffing for students for grades K-12.

Waiver(s)	Sample Justification
Educational Programs (O.C.G.A. § 20-2-153 to 20-2-155)	CCPS will use this waiver to provide intervention for students in EIP and REP based on their needs in mathematics, reading, and writing through a variety of delivery models, instructional time, class size, and staffing.
Employment, Conditions of Employment (O.C.G.A. § 20-2-218)	CCPS seeks flexibility from duty-free lunch periods in exchange for a lunch period for compensation or another benefit.
Graduation Requirements for the purpose of substitution of equivalent or higher level requirements which will assist students in acquiring the knowledge and skills necessary to be successful as they continue their education at the postsecondary level and/or enter the workforce (SBOE Rule 160-4-2-.48)	<p>CCPS may use this waiver to enable the district to award credit once standards have been mastered at any time during the semester/year.</p> <p>CCPS would utilize flexibility to award credit for course completion upon mastery of course standards at any time during the semester.</p> <p>CCPS would like the flexibility to waive the 150 clock hour and 135 clock hour (for block scheduling) requirements for students to earn a Carnegie Unit of credit during the regular school year. This waiver also applies to the minimum requirement of 120 clock hours for summer school.</p>
Instructional Extension (O.C.G.A. § 20-2-184.1)	<p>CCPS may use this waiver to increase the class size required under the rule to provide extended learning opportunities to more students in a program and cost effective manner.</p> <p>CCPS would like flexibility to:</p> <ul style="list-style-type: none"> • Remain exempt from expenditure controls and penalties associated with expenditure specifications outlined in subsection (a). (Waiver repealed effective July 1, 2015) • Gain flexibility in the formula used to determine funding levels to: <ul style="list-style-type: none"> ○ Set the equivalent funding amount to less than the required equivalent of 20 days of additional instruction at the salary level of a beginning instructor ○ Set the funding level to less than the required 10% of the FTE count for programs (EIP, REP, middle school, high school, primary, and etc.) <p>Set the required expenditure level to less than 100% of the designated funds based on the formula outlined in subsection (a)</p>
Minimum Direct Classroom Expenditures and Expenditure Controls (O.C.G.A. § 20-2-171)	CCPS would like the flexibility to spend appropriated dollars where it supports the system strategic plan to meet the needs of students rather than in required categories and to avoid sanctions for noncompliance.
Organization of Schools, Middle School Programs, Schedule (O.C.G.A. § 20-2-290)	<p>CCPS may use this waiver to request flexibility with implementation of the middle school program including:</p> <ul style="list-style-type: none"> • Flexibility in instructional time for core content area subjects and/or • Flexibility in structuring collaborative planning time (i.e. interdisciplinary teams/grade level teams versus subject specific/departmental planning).
Scheduling for Instruction/Program Enrollment and Appropriation except to the extent it relates to funding (O.C.G.A. § 20-2-160, § 20-2-168(c))	CCPS would like the flexibility to schedule for instruction based on the needs of students and to allow students to move on when ready.
Program for limited-English-proficient students/ Language Assistance: Program for English Learners (O.C.G.A. § 20-2-156)	CCPS would like the flexibility to waive the requirements related to class sizes, time requirements, and instructional delivery models to enhance services for English learners.

Waiver(s)	Sample Justification
Promotion and Retention Requirements (O.C.G.A. § 20-2-283)	CCPS would utilize this flexibility to conduct student instructional placement meetings upon receipt of score results in the spring in lieu of waiting on results from the summer administration when support personnel are on summer vacation.
Public School Choice (O.C.G.A. § 20-2-2131)	<p>CCPS may use this waiver, without violating federal law, to exempt all or some of the school choice requirements as outlined by HB 251 including, but not limited to, the following:</p> <ul style="list-style-type: none"> • Providing parents the option of intra-district school transfers, • Defining available classroom space, or • Apportioning limited number of seats by means other than a random lottery.
QBE Financing except to the extent it relates to funding (O.C.G.A. § 20-2-161)	CCPS would like to maintain the district's earnings while providing flexibility in its application for services as provided through IE2.
Salary Schedule (O.C.G.A. § 20-2-212)	CCPS would like the flexibility to provide compensation based on teacher skills and district and student needs.
School Attendance, Compulsory Attendance as it relates to the attendance protocol (O.C.G.A. § 20-2-690.2)	CCPS would like the flexibility to waive O.C.G.A. § 20-2-690.2 (h). The chief judge of the superior court of each county shall ensure that the committee meets twice annually to evaluate compliance with the protocol, effectiveness of the protocol, and appropriate modifications.
School Day and School Year for Students and Employees (O.C.G.A. § 20-2-151, § 20-2-160(a), § 20-2-168(c))	<p>CCPS would like flexibility in scheduling instruction for all students. The district would like the ability to schedule instruction based on the needs of students and not inhibit students from being able to move on when ready.</p> <p>CCPS would like the flexibility to waive allocated requirements of instruction time at each level to allow schools to focus time on areas that are a priority for improving student achievement.</p> <p>CCPS would like flexibility in the structure of providing 180 days for students. The district would like the ability to offer different schedules for specific educational programs.</p>
Use of Counselor (SBOE Rule 160-4-8-.05)	CCPS would utilize this flexibility to ensure that school counselors have 90% direct/indirect contact with students by providing academic, personal/social, and post-secondary guidance to aid students in becoming responsible and globally competitive citizens.
Personnel Required (SBOE Rule 160-5-1-.22)	CCPS would like to assign school and system personnel based on district needs rather than state requirements. Examples could include media specialist, counselors, technology specialist, specials teachers, etc.