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*Richard Woods, Georgia's School Superintendent*  
*"Educating Georgia's Future"*

## **LOCALLY-APPROVED CHARTER SCHOOL 2017 RENEWAL MEMORANDUM**

TO: All Charter School Renewal Applicants and Local Charter School Authorizers

FROM: District Flexibility and Charter Schools Division

DATE: June 20, 2017

RE: **Important information for charter schools seeking renewal in the 2017-18 petition cycle**

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The charter renewal process is an important opportunity for charter schools to demonstrate the successful implementation of their current charter contract. It is also an opportunity for a school to describe new initiatives that will generate increased academic performance during their next charter term.

This memo presents important requirements for charter school renewal applicants. Please read it carefully and be sure to comply with all requirements.

### **IMPORTANT REQUIREMENTS FOR ALL CHARTER RENEWAL APPLICANTS**

#### **1. Establish Who Will Be Your Application Contact Person – And Keep Their Contact Information Updated.**

- Please email [lsatterwhite@doe.k12.ga.us](mailto:lsatterwhite@doe.k12.ga.us) by July 21, 2017 with the name of your school's single point of contact for your renewal application.
- The contact person that you will list on your school's application is the single point of contact for everything related to your application.
- Some applications have been delayed because the contact person changed and the school did not provide contact information for the contact person.

#### **2. File A Renewal Letter Of Intent Immediately.**

- If you do NOT plan on seeking a charter renewal, please notify [lsatterwhite@doe.k12.ga.us](mailto:lsatterwhite@doe.k12.ga.us) via email no later than July 21, 2017.

- If you DO intend to apply for renewal in the 2017-18 Petition Cycle and have not yet submitted a Letter of Intent, please submit a Letter of Intent to [lsatterwhite@doe.k12.ga.us](mailto:lsatterwhite@doe.k12.ga.us) from your school's single point of contact (identified in item 1 above) no later than July 21, 2017.
- This requirement is found in *Guidelines for the Charter Schools Petition Process, Part 1: Charter Petition Process*.

(a) *LETTERS OF INTENT. All applicants, including renewal applicants, who intend to submit a charter petition for local board of education (local board) consideration shall use the Department's template to submit a letter of intent to both the Department and to the appropriate local board(s) at least six (6) months prior to the date on which the petition will be submitted to the Department. Petitioners should consult the Charter Schools Division website and consult with the applicable local school district(s) for timelines and requirements. Failure to submit a letter of intent shall not preclude an applicant from submitting a petition provided the applicant requests and receives a waiver for the letter of intent from both the Department and local district(s).*

### **3. Use The Most Up-to-Date Charter Renewal Application Materials.**

- To file a petition for charter renewal, you must file a Charter School Renewal Application.
- You must use the most up-to-date version of all application materials.
  - The most up-to-date versions of this document and all required attachments are located on the Georgia Department of Education's website at <http://www.gadoe.org/External-Affairs-and-Policy/Charter-Schools/Pages/Charter-Petition-Application.aspx>
- Some charter renewal applicants want to know why they must submit another application for a charter renewal since they already have a charter (even though it is expiring in 2018).
  - Please note that a charter renewal does not just add 5 years onto the end date of your existing charter contract.
  - Many things have changed since your last charter application and you must meet all the current requirements of being a locally-approved Georgia charter school to have a chance to win approval of a charter renewal.
  - Your new charter contract will therefore be a different agreement than the last charter contract you signed.
  - You must file a new application because we must assess whether your governing board and school management team – as well as your school district – have the capacity to operate and support a charter school as now defined.

### **4. Submit Your Application As Soon As Possible!**

- Applications are processed on a first-come, first-served basis.
  - All applications (including new charters, charter renewals, charter amendments, and SWSS amendments) are assigned a rank order priority number based on when they are received in our office.

- Please note that since we eliminated application deadlines six years ago, any posted deadlines are treated as “guarantee deadlines”. This means that if you honor the posted deadline, we guarantee you will have a decision from the State Board of Education (SBOE) in time for the following school year.

#### **5. Five Year Charter Term Limit.**

- Please note that the maximum charter term length for charter renewals is now five (5) years.
- As part of Georgia’s new Every Student Succeeds Act (ESSA) State Plan, the Department will be submitting to the U.S. Department of Education a state accountability system based on a 5-year accountability timeline for all performance contracts, including charter contracts.

#### **6. Revised Charter Rules and Regulations.**

- On March 30, 2017, the State Board of Education adopted amendments to the charter school rules to incorporate additional feedback received from stakeholders in the Georgia charter school community. Additional charter rule changes based on 2017 legislation passed by the General Assembly and signed by the Governor – including HB 139, HB 338, HB 430, SB 149, and SB 211 – will be initiated at the July SBOE meeting and adopted at the August SBOE meeting.
- Please read the revised charter rules carefully and be sure to comply with all requirements. The amended rules and summary of changes can be found on the Department’s website at the link given in item 3 above.

#### **7. Academic and Organizational Goals.**

- Please note that your new charter contract will incorporate standard academic and organizational goals. The standard charter contract template can be found on the Department’s website at the link given in item 3 above.
  - Academic goals include CCRPI and Beating the Odds goals.
  - Organizational goals include economic sustainability and efficiency, governance, school climate, and diversity.
  - These goals are included in the charter application found on the Department’s website at the link given in item 3 above.
  - Please note also that you are free to propose additional performance measures above and beyond the standard required ones mentioned here.

#### **8. Georgia Nonprofit Status Required For All Charter Schools – Including Conversion Schools.**

- All charter school contracts (including conversion charter school contract) must be held by a Georgia non-profit corporation.
  - If your current charter is not held by such a non-profit, you must apply with the Secretary of State’s office to establish one.

- You will be required to submit with your charter renewal application a copy of the certificate of Georgia Nonprofit Incorporation that will be issued to you by the Secretary of State once you've registered.
- Please note that your school is *not* required by Georgia charter school law or rule to have a federal 501(c)(3) nonprofit – and that having such a federal nonprofit does *not* replace or meet the requirement for *Georgia* nonprofit status.

## 9. Charter School Substantial Autonomy.

- Charter renewal applicants, including conversion charter school applicants, which are not granted substantial autonomy by their school districts will be recommended for denial.
- Substantial autonomy means that the nonprofit governing board of a charter school shall have authority to make, but is not limited to, personnel decisions, including selection of the principal or school leader; financial decisions and resource allocation decisions, including establishing the number and type of personnel, curriculum costs, supply costs, equipment costs and maintenance and operations costs; selection of a curriculum and accompanying instructional materials; establishment and monitoring of the achievement of school improvement goals, including approval of the school improvement plan and oversight of its implementation; and operations that are consistent with school improvement goals. The local board shall only override decisions of a conversion charter school's governing board in those areas where the local board has constitutional authority and has a reasonable belief that the overridden decision would have been be substantially detrimental to students and not in the public interest.
- Please note that exercising substantial autonomy can include, for example, a charter school's Governing Board *choosing* to:
  - Receive school support and other services from their school district;
  - Have their employees payroll be handled by their school district; and
  - Commit a portion of their per-pupil revenue to their school district to provide for their facility needs.
- The key factor is that it is the charter school's governing board choice and that it could also choose to provide all these things for its school on its own, rather than being required by the school district to rely on the district to provide them.
- Conversion charter school applicants must describe all policies, procedures, and practices that materially distinguish the conversion charter school from the school's pre-conversion model (for new applicants) and from the school's pre-renewal model (for renewal applicants). Conversion charter school applicants must also include a statement from their school district detailing the district's plan to ensure the conversion charter school will operate with substantial autonomy and how the district will ensure its effective support of the charter school, including what, if any, changes it will make to its central office to ensure that the charter school is properly supported and operates with substantial autonomy.

## **10. Locally-Approved Charter School Partners Roles and Responsibilities Chart Is Required of All Applicants.**

- All renewal applicants are required to submit a Locally-Approved Charter School Partners Roles and Responsibilities Chart.
- This chart distinguishes the school’s governing board decision-making authority in personnel decisions, financial decisions, curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations from the day-to-day management responsibilities of the school leader and the local school district’s role in providing oversight.
  - Please note that this Chart will become part of your new charter contract.
  - The Locally-Approved Charter School Partners Roles and Responsibilities Chart and instructions for filling it out are also located at the website link given in item 3 above.

## **11. Charter School Governing Boards Should Be Diverse.**

- One of the key characteristics of a high-functioning governing board is that the members reflect the sociodemographic diversity of the community served by the charter school.
- The ideal governing board is comprised of 5-7 members, each of whom is able to substantively contribute to school governance.
  - A governing board with diverse skill-sets should include members with experience in such areas as finance and accounting, real estate and facilities, legal and human resource services, fundraising and grant writing, marketing, community partnerships, and academic programming. Governing board members are not required to have expertise in all these areas, but they are expected to marshal their expertise, resources, and networks to help meet the charter school’s needs.
  - A governing board comprised entirely of parents and/or local community members without any of the areas of expertise noted above will lack the capacity to provide effective governance of their charter school – and this may result in a recommendation for denial of a charter renewal.
- Charter school governing boards that do not reflect their community’s sociodemographic diversity must include in their application a comprehensive plan to address this need for diversity, including a board member succession plan.

## **12. Charter School Faculty, Staff, and Students Should Be Diverse.**

- A charter school’s faculty, staff, and students should also reflect the sociodemographic diversity of the community served by the charter school.
- Charter renewal applicants that do not reflect their community’s diversity must include in their application a comprehensive plan to address this need for diversity. Included in such a plan could be use of a weighted lottery to provide an increased chance of admission for educationally disadvantaged students pursuant to O.C.G.A. § 20-2-2066(a)(1) and State Board Rule 160-4-9-

.05(2)(g). Guidance on how to implement a weighted lottery can be found on the Department's website at the link given in item 3 above.

### 13. Broad Flexibility Waiver.

- All charter renewal applicants are granted a broad flexibility waiver in their charter contracts.
- Your charter renewal application will still ask you to provide *examples* of individual waivers you would use if granted a charter.
  - Please note such examples are just that – *examples* – and will not be incorporated into your new charter contract should you win renewal.
  - You are being asked to provide such examples to test whether you actually need a charter to accomplish your school's goals.

### 14. Charter Application Revenues Are Incorporated Into All Charter Contracts.

- Five-year budget projections must be submitted by all charter renewal applicants – including those seeking conversion charter renewals.
- The Budget Template you must use is found at the link given in item 3 above.
- Please make sure that the electronic version of the budget you submit is in the same Excel spreadsheet format as found at the link given in item 3 above.
  - If you submit your budgets in PDF form, your application will be rejected and you will have to resubmit your application and you will lose your place in the rank order priority list.
- **Please note that approval by a school district of your charter application means that the district is committing itself to provide for your school at least the base per-pupil revenue amounts shown in the budget you submit with your application.**

- This requirement is found in State Board Rule 160-4-9-.05 CHARTER SCHOOLS PETITION PROCESS.

*(1) CHARTER PETITION APPLICATION REQUIREMENTS FOR ALL CHARTER APPLICANTS. All charter school petition applications, including applications for renewal, shall meet the following minimum requirements pursuant to O.C.G.A. § 20-2-2063. [...]*

*(h) DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS. A description of the school's financial structure, including the following components:*

*(7) A statement from the applicable local system guaranteeing that the amount identified in the locally approved petition budget for base per-pupil funding is based upon the school system's good-faith estimate of the base per-pupil amount at which it will fund the charter school as long as the school system receives the state and local revenues upon which the approved school budget is based.*

- The Department will compare the base per-pupil revenue amounts shown in the budget with the legal funding floor provided in Georgia law.

- By the same token, an applicant's submission of a budget indicates the applicant's commitment to accomplishing the academic and other performance goals and targets laid out in the charter contract renewal with the funding provided.

### 15. Panel Interviews.

- All charter renewal applicants are required to participate in an in-person panel interview in Atlanta. A majority of the charter school's governing board members are required to attend the interview. Representatives from the charter school's Educational Service Provider (ESP) are not permitted to attend the interview.
  - The panel will include GaDOE representatives and at least one outside charter expert.
  - The goal of the interview is to gauge the board's continued capacity to operate and sustain a high-quality charter school with regard to academics, operations, governance, and finance.
  - Interviews will last approximately one hour and questions will primarily stem from aspects of your application that require clarification or elaboration. However, please come prepared to discuss the strategic goals of the school and how the governing board will ensure those goals are accomplished within budget.
- Applications must be received at least three (3) weeks prior to the panel interview. To facilitate the scheduling process, please propose in your application submission several dates and times when the majority of the charter school's governing board members will be available to participate in an interview. Note, however, that GaDOE may schedule the interview on a date and time not listed in your application.
- The contact person on your application will be notified via email of the interview date you have been assigned.

### 16. What Preparations Should You Make Before Submitting Your Applications?

- **Implement Changes Identified During Your Accountability Call and/or Visit**
  - Some charter schools with contracts expiring in June 2018 were selected for an Accountability Visit and some were selected for an Accountability Call during the 2016-17 school year.
  - The Accountability Calls and Visits are designed to assist selected schools in identifying potential barriers to renewal in time for your school to correct these issues prior to submitting your renewal petition.
  - As a reminder, Accountability Visits and Calls focus on Academic Performance, Financial Performance, Governance, Legal Compliance, and – if applicable – your ESP relationship.
- **Address Issues Identified in Your School's Self-Assessment.** One factor considered in selecting a school for an Accountability Call or Visit was the self-assessment schools filled out during the 2016-17 school year.
  - This Self-Assessment is useful in helping you identify areas in which your school might require improvement.

- Whether or not your school was selected for an Accountability Call or Site Visit during 2016-17, you should have addressed in 2016-17 any areas you identified for improvement.
- For your reference, the Self-Assessment document can be found at the link provided in item 3 above.

### 17. Which Applicant Group Will You Be In?

- **Rejection Group**: These applications are flawed in some way that is irreparable and will be rejected for the 2017-18 Petition Review Cycle.
  - The Department will issue a rejection letter that informs such applicants that their application cannot be considered during the 2017-18 Petition Review Cycle.
  - Applicants in this category are free to submit a brand new application in the 2018-19 Petition Review Cycle.
- **Revision Group**: During our initial review and their panel interview, these applicants demonstrate *minimum* quality and compliance or less, and would require *substantial and material revisions* before a charter can be approved by the State.
  - The Department will issue a letter informing these applicants that they cannot receive a charter contract approval recommendation unless the required material revisions are made.
    - Once an applicant makes the substantial and material changes required, they must then obtain formal approval of their revised application from their school district and Board of Education before it can be resubmitted.
    - Applicants will have only one opportunity to revise their application to make the substantial and material changes required.
    - Those that fail to make required revisions will have to wait until the 2018-19 Petition Review Cycle to submit a new application.
  - Please note that the revisions required are non-negotiable.
  - If you choose to make the required revisions and resubmit a newly-approved application, the letter we sent you, along with your reply letter and all revisions and additional information you provided within your revised application, will become part of your application and be posted on eBoard when the State Board of Education considers your charter contract renewal.
- **Clarification Group**: During our initial review and their panel interview, these applicants demonstrate *moderate* quality and compliance or better, but require *clarification and supplemental information* to be submitted before we can determine whether a charter contract approval recommendation can be made to the SBOE.
  - The Department will issue a letter that will inform you what clarifications and supplemental information is required.
  - Please note that the clarification(s) and/or supplemental information required are non-negotiable.
  - If you choose to provide the required clarification(s) and/or supplemental information, the letter we send you, along with your reply letter and all clarification(s) and/or supplemental



information you provide, will become part of your application and be posted on eBoard when the State Board of Education considers your charter contract renewal.

- **Approval Group:** During our initial review and their panel interview, these applicants demonstrate near-perfect quality and compliance. The Department will issue a charter contract approval recommendation to the SBOE for these applicants without any further action on the part of the applicant.

## 18. What Happens Once Your Charter Contract Is Approvable?

- Applicants will be notified if and when a charter contract will be recommended to the State Board of Education for approval.
- Along with this notice, the Department will share a draft version of your proposed charter contract with you via eBoard.
- This will be your opportunity to provide comment and feedback on the performance measures in the charter contract and to identify any scrivener's errors that you might detect.
- Comments and feedback on the proposed charter contract must be received no later than the Monday prior to the scheduled State Board of Education meetings. If not received by this day, any proposed changes to the charter contract must be made through the formal charter amendment process.
- Please note that we use a standard charter contract template and that, outside of the issues mentioned above, there is little or nothing within the contract template that is negotiable.
- The standard charter contract template can be found on the Department's website at the link given in item 3 above.
- Finally, please note that if you or your school district is unwilling to sign a charter contract based on the standard charter contract template, then *you should not apply for a charter*.

## 19. What Is The SBOE Process For Considering Your Charter Contract?

- Once your school is recommended for charter approval, you should plan for a two-month SBOE approval process. The typical schedule is as follows:
  - In the first month, the approval of your charter contract will appear on the monthly SBOE District Flexibility and Charter Schools Committee agenda as an Item for Information.
  - In the second month, your charter contract approval appears as an Action Item.
- In some cases, the SBOE approval is completed in a single month. This occurs as follows:
  - In the first month, the approval of your charter contract appears on the monthly SBOE District Flexibility and Charter Schools Committee agenda as an Item for Information.
  - During the Committee meeting, your charter approval is "moved to Action and Consent," which means that it is placed on the first month's SBOE Consent Agenda as an Action Item.
- Final approval of your charter contract occurs during the full SBOE meeting at which it appears

on the agenda as an Action Item.

- Please note that the standard process is for your charter contract to appear as an Item for Information in the first month and as an Action Item in the second month, so you should plan for a two-month approval process.

**20. Email Us With Any Additional Questions You May Have At The Following Email Addresses:**

- Janelle L. Cornwall, Esq.  
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