SCHOOL SYSTEM FLEXIBILITY IN GEORGIA
Overview and Comparison
Presentation to
Georgia Council of School Board Attorneys
May 14, 2014
What are we talking about and why?

Improving Student Academic Results
- The Academic Bottom Line

Title 20
- Shorthand phrase for Georgia education law and all related rules and guidelines

Flexibility
- Freedom granted through waivers of Title 20 law, rules, and guidelines

Flexibility Options
- Operational approaches school systems and schools can take to implement flexibility in exchange for a performance contract from the State Board of Education

The Big Four
- Waivers of state class size, expenditure control, certification*, and salary schedule* requirements

*IE², charter systems, and charter schools only
What is the basic flexibility bargain?

ACCOUNTABILITY

- Higher Academic Expectations
  - Students outperform current level and state
- CCRPI and Beating the Odds performance measures

AUTONOMY

- Flexibility to Innovate
  - Waivers from state laws, rules, guidelines
- Freedom from state controls

School districts and schools
Using flexibility to improve student achievement
Selecting a Flexibility Option

• No later than **June 30, 2015*** each local school system must notify GaDOE that it will operate as an:
  1. Investing in Educational Excellence School System (IE²)
  2. Charter System
  3. Status Quo School System

• Note that the same level of flexibility provided to IE² or Charter Systems (including the “Big Four”) is granted to all schools in a:
  4. System of Charter Clusters
  5. System of Charter Schools

* Per OCGA §20-2-84
What is an IE² system?

**Definition**
- A local district that has a performance contract with the SBOE (State Board of Education) granting the district freedom from specific Title 20 provisions, SBOE rules, and GaDOE (Georgia Department of Education) guidelines.

**Facts & Features**
- Contract is between the district and the SBOE.
- GOSA (Governor’s Office of Student Achievement) role: target-setting and performance monitoring.
- District gains flexibility to innovate in exchange for increased academic accountability.

**Relative Advantages/Disadvantages**
- Flexibility to innovate.
- Financial savings possible from waivers.
- Loss of governance over schools that fail to meet performance targets after five years.

**Federal/State Compliance**
- Must comply with all federal laws and regulations.
- Must comply with all state laws, rules and regulations not waived by the IE² contract.
### What is a charter system?

| **Definition** | A local district that has an executed charter from the SBOE granting it freedom from almost all of Title 20, SBOE rules, and GaDOE guidelines |
| **Facts & Features** | Charter is a contract between district and SBOE  
District gains flexibility to innovate in exchange for increased academic accountability  
Distributed leadership process  
Flexibility to innovate  
Financial savings possible from waivers  
Additional per-pupil funding in QBE if appropriated  
School level governance required |
| **Relative Advantages/Disadvantages** | Must comply with all federal laws and regulations  
Must comply with all state laws, rules and regulations that cannot be waived (e.g., health and safety) |
| **Federal/State Compliance** |  |
### What is a status quo system?

**Definition**
- A local district that has elected not to request increased flexibility in exchange for increased accountability and defined consequences and opted to remain under all current laws, rules, regulations, policies, and procedures.

**Facts & Features**
- No performance contract
- No freedom from Title 20, State Board rules, or Department guidelines
- No waivers unless extraordinary circumstances

**Relative Advantages/Disadvantages**
- No change is required
- No financial savings from waivers

**Federal/State Compliance**
- Must comply with all federal laws and regulations
- Must comply with ALL state laws, rules and regulations
What is a system of charter clusters?

Definition
- A local district that has converted all its schools into charter clusters
- Each cluster includes a high school and all its feeder schools

Facts & Features
- Individual charter contracts between each high school cluster, the district, and the SBOE
- Each cluster gains autonomy and flexibility to innovate in exchange for increased academic accountability

Relative Advantages/Disadvantages
- Flexibility to innovate
- Decision making is cluster-based
- Financial savings possible from waivers
- Cluster level autonomy and accountability required

Federal/State Compliance
- Must comply with all federal laws and regulations
- Must comply with all state laws, rules and regulations that cannot be waived (e.g., health and safety)
What is a system of charter schools?

Definition
- A local district that has converted all its schools into charter schools

Facts & Features
- Individual charter contracts between each school’s Georgia nonprofit corporation, the district and the SBOE
- Each school gains flexibility to innovate in exchange for increased academic accountability
- Financial savings possible from waivers
- Eligible schools may compete for available federal Charter School Grant funds
- Decision-making is school-based

Relative Advantages/Disadvantages
- Must comply with all federal laws and regulations
- Must comply with all state laws, rules and regulations that cannot be waived (e.g., health and safety)
### Flexibility

<table>
<thead>
<tr>
<th>IE² System</th>
<th>Charter System</th>
<th>Status Quo</th>
<th>System of Charter Schools or Charter Clusters</th>
</tr>
</thead>
<tbody>
<tr>
<td>• School System seeks waivers – <strong>must include at least one</strong> of the following: class size; expenditure control; certification; salary schedule</td>
<td>• School System must provide examples of how <strong>broad flexibility</strong> permitted by the Charter Schools Act will be utilized to improve student achievement</td>
<td>• Waivers to be granted only in the case of a <strong>extraordinary circumstances</strong>, e.g. natural disaster, financial exigency</td>
<td>• Schools and clusters must state how <strong>broad flexibility</strong> permitted by the Charter Schools Act will be utilized to improve student achievement</td>
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Statewide waivers expire June 30, 2015
<table>
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</table>
| • Cannot waive:  
  o Federal rules/regulations  
  o State and local rules/regulations such as: insurance; physical health; school safety; accountability; QBE funding; etc.  
  o Court orders  
  o Civil rights statutes  
  o Conflicts of interest;  
  o Unlawful conduct | • Cannot waive:  
  o Federal rules/regulations  
  o State and local rules/regulations such as: insurance; physical health; school safety; accountability; QBE funding; etc.  
  o Court orders  
  o Civil rights statutes  
  o Conflicts of interest;  
  o Unlawful conduct | • No waivers except if *extraordinary circumstances*, but cannot waive:  
  o Federal rules/regulations  
  o State and local rules/regulations such as: insurance; physical health; school safety; accountability; QBE funding; etc.  
  o Court orders  
  o Civil rights statutes  
  o Conflicts of interest;  
  o Unlawful conduct | • Cannot waive:  
  o Federal rules/regulations  
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  o Civil rights statutes  
  o Conflicts of interest;  
  o Unlawful conduct |
### Unique Features

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<tr>
<td>• School System Strategic Plan is required to drive student performance goals and flexibility granted</td>
<td>• Emphasis on school level governance and parent/community involvement</td>
<td>• School System must conduct a public hearing to provide notice of the system’s intent to select Status Quo</td>
<td></td>
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<tr>
<td>• School System must conduct a public hearing to share Strategic Plan</td>
<td>• Approved by the Local Board of Education at a public meeting</td>
<td>• Local Board of Education must sign a statement that the school system has selected Status Quo</td>
<td></td>
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<tr>
<td>• Approved by the Local School Board at a public meeting</td>
<td></td>
<td>• Emphasis on parent/community involvement, including maximum school level governance</td>
<td></td>
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<td></td>
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<tr>
<td>• Possible savings through flexibility</td>
<td>• Possible savings through flexibility</td>
<td>• No savings through flexibility</td>
<td>• Possible savings through flexibility</td>
</tr>
<tr>
<td>• Regular QBE funding with possible waiver of expenditure controls</td>
<td>• Regular QBE funding with no expenditure controls</td>
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<td>• Regular QBE funding with no expenditure controls</td>
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<tr>
<td>• Possible $80-$90 per pupil in supplemental funding through QBE</td>
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<td></td>
<td>• Federal charter school implementation grants <em>possible</em> for autonomous charter schools</td>
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## Governance

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<tr>
<td>• School System <strong>may</strong> maximize school level governance by granting local schools authority to determine how to reach goals – but no change is required</td>
<td>• School System <strong>must implement school level governance</strong> and grant 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</td>
<td>• <strong>No change</strong> in school level governance required</td>
<td>• School System <strong>must grant each school/cluster substantial autonomy and maximum school-level governance and decision-making</strong></td>
</tr>
</tbody>
</table>
**Decision Considerations**

1. What does the school system’s CCRPI* data show now?
2. What are the CCRPI goals of the school system?
3. What are the gaps between CCRPI goals and CCRPI data?
4. What academic and other strategies can be used to close the gap?
5. Which operational approach best matches the strategies?

*College & Career Readiness Performance Index*
Decision Structure Considerations

Are waivers needed?

Yes

Preference for a particular leadership approach?

Centralized, Decentralized, or Distributed
- IE² System
- Distributed System
- Decentralized System of Charter Clusters
- Confederated System of Charter Schools

No Waivers
- Status Quo
Decision Structures

Confederated
System of Charter Schools

Centralized
Possible in $IE^2$

Decentralized
System of Charter Schools
and
Possible in $IE^2$

Distributed
Charter System
and
Possible in $IE^2$
Distributed Leadership…is a leadership approach in which collaborative working is undertaken between individuals who trust and respect each other’s contribution. It occurs as a result of an open culture within and across an institution. It is an approach in which reflective practice is an integral part enabling actions to be critiqued, challenged and developed through cycles of planning, action, reflection and assessment and replanning. It happens most effectively when people at all levels engage in action, accepting leadership in their particular areas of expertise. It requires resources that support and enable collaborative environments together with a flexible approach to space, time and finance which occur as a result of diverse contextual settings in an institution. Through shared and active engagement, distributed leadership can result in the development of leadership capacity to sustain improvements in teaching and learning.

(Jones, Harvey, Lefoe, Ryland 2013)
Major Responsibilities of a School Board

**Strategic Plan**
- Adopt a five-year strategic plan

**Budget**
- Adopt a budget to fund the strategic plan

**Superintendent**
- Hire a leader to implement the strategic plan within budget while providing for the BOE’s control and management of schools
- Adopt and keep an updated succession plan

**Accountability**
- Hold the leader accountable for implementing the strategic plan within budget
- Conduct regular self-evaluations to hold itself accountable
Whose authority is shared with school governance teams or governing boards?

• The Superintendent’s authority is shared with schools in a charter system or a system of charter schools or charter clusters.

• The authority of a local Board of Education (LBOE) is not diminished (unless it has taken over any of the Superintendent’s authority).

• Georgia’s Constitution says the LBOE is in control and management of the schools and state law says all local schools are under the control and management of LBOE.
Who decides?

• The local Board of Education is always in control

• LBOE’s have to agree to local charters for them to go forward, and they have to initiate the charter system or IE2 process

• LBOE’s choose how to manage their schools in several ways – selecting and holding accountable their superintendent, approving start up and conversion charters, becoming a charter system or an IE2 system
The LBOE agrees to certain limits with its superintendent and agrees to certain terms with charters.

The LBOE controls the type of local governance and management their schools will have in a charter system, charter school, and charter cluster.

It is the role of the superintendent that is changing in a charter system, charter system, and system of charter schools or clusters.
What is School Level Governance?

Superintendent develops recommendations to the LBOE without school level input

School Level Governance

- Decision-making authority in personnel decisions (People)
- Decision-making authority in curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations (Time)
- Decision-making authority in financial decisions (Money)

Superintendent incorporates school level input into recommendations to the LBOE

The Goal
School Governing Team composition reflects the diversity of the community.

Meets regularly and complies with Open Records and Open Meetings Laws.

School Governing Team sticks to governance and stays out of management.

School Governing Team exercises its school level governance responsibilities.

Receives regular updates on academic, operational, and financial progress of the school.

Participates in regular School Governing Team training each year.
Charter systems must report annually

- Annual reports, which are due October 1, must describe the following:
  - The actual authority exercised by local school governing teams in each area of school level governance
  - Training received by school governing teams and school administrators
  - Steps, if any, the charter system plans to take to increase school level governance in the future
Compare and Contrast: Georgia Charter Schools

Conversion Charter School
*LBOE-SBOE-School contract (33)*

Start-up Charter School
*(79)*

Locally-Approved Charter School
*LBOE-SBOE-School contract (64)*

State Charter School
*SCSC-School contract, SBOE review; school is treated as an LEA (15)*

System Charter School
*No contract; school included in LBOE-SBOE charter system contract (226)*

Different starting points, but same end point

Same starting point as a conversion charter, but a different end point

Dr. John D. Barge, State School Superintendent
“Making Education Work for All Georgians”
www.gadoe.org

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What is a system charter school?

**Definition**
- A school within a charter system.
- It is included in the 2-party charter contract between the LBOE and SBOE.

**Facts & Features**
- School level governance: Local school governance teams involved in decision-making for the school.
- Most common type of charter school in Georgia (226).

**Relative Advantages**
- School level governance frees the school to choose and implement innovation that benefit students at the school.

**Federal/State Compliance**
- Must comply with all federal laws and regulations.
- Must comply with all state laws, rules and regulations that cannot be waived (e.g., health and safety).
College and Career Academies

• Since charter system schools are considered charter schools in Georgia law, and

• Since College and Career Academies must be charter schools to be eligible for TCSG capital grants,

• Charter systems have begun to create new College and Career Academies through their charter system contract – rather than through a separate charter application process for a stand-alone College and Career Academy
What is a college and career academy?

**Definition**
- A *start-up or conversion charter school or a system charter school* that partners with a local district, area businesses, a technical college, and/or other college/university.

**Facts & Features**
- Many college and career academies originate from district programs.
- College and career academy courses are a reflection of the needs of the local businesses and community.
- Georgia has 27 college and career academies, of which 21 have their own charters and 6 were created through a charter system contract.

**Relative Advantages**
- Local districts demonstrate their commitment to preparing their students for college and careers.

**Federal/State Compliance**
- Must comply with all federal laws and regulations.
- Must comply with all state laws, rules and regulations not waived by the contract.
Career Clusters/Pathways

• College and Career Academies are increasingly being created to better provide for Career Clusters/Pathways

• Georgia has 17 Career Clusters – all designed with the help of Georgia businesses
  • Each Cluster has multiple Pathways students can choose

• Students take core sets of classes coupled with electives based on their Pathway
GEORGIA’S CAREER CLUSTERS

1. Architecture & Construction
2. Agriculture, Food & Natural Resources
3. Arts, Audio/Video Technology & Communications
4. Business Management & Administration
5. Education and Training
6. Energy Systems
7. Finance
8. Government & Public Administration
9. Health Science
10. Hospitality & Tourism
11. Human Services
12. Information Technology
13. Law, Public Safety, Corrections & Security
14. Manufacturing
15. Marketing
17. Transportation, Distribution & Logistics
Charter System Contract

• Charter system contracts are standard except for two areas

  – Each contract includes a list of the specific innovations to be implemented by the system to improve student performance
    
    ○ Initiatives which the system does not want local school governance to affect are included in the innovations list

  – Any specific performance measures beyond the CCRPI and Beating the Odds measures
## Performance Evaluation

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| GOSA       | • Student performance goals must meet contract goals and exceed state averages and previous system performance  
• Student performance must meet all federal and state accountability measures | • Student performance must meet contract goals and exceed state averages and previous system performance  
• Student performance must meet all federal and state accountability measures | • Student performance goals must meet contract goals and exceed state averages and previous cluster or school performance  
• Student performance must meet all federal and state accountability measures |

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Dr. John D. Barge, State School Superintendent  
"Making Education Work for All Georgians"  
www.gadoe.org
### Consequences

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| • Loss of governance of non-performing schools may include, *but is not limited to:*  
  (1) Conversion to charter school  
  (2) Operation by another school system, or  
  (3) Operation by private or non-profit entity | • Charter status revoked and school system reverts to Status Quo  
• Possible fiscal impact when converting from Charter System to Status Quo due to loss of flexibility | • N/A | • Charter status revoked for non-performing schools/clusters; those schools/clusters lose all flexibility  
• Possible fiscal impact due to loss of flexibility if school system is Status Quo |
# Contractual Partners

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<tr>
<td>2. Local Board of Education</td>
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</tr>
<tr>
<td>*Governor’s Office of Student Achievement leads the IE² performance target setting, performance monitoring, and evaluation processes</td>
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<td></td>
<td>3. Charter School or Cluster Governing Board</td>
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# Length of Contract

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<tbody>
<tr>
<td>Initial term of contract is for 5 years</td>
<td>Initial term of contract is for 5 years</td>
<td>N/A</td>
<td>Initial term of an individual cluster or school contract is for 5 years</td>
</tr>
<tr>
<td>Contract may be renewed if contract performance goals are met for at least three years</td>
<td>Contract status is reviewed annually, based on student performance</td>
<td></td>
<td>Contract status is reviewed annually, based on student performance</td>
</tr>
<tr>
<td></td>
<td>Subsequent contract term may range from 5 to 10 years if the charter contract goals are met</td>
<td></td>
<td>Subsequent contract term may range from 5 to 10 years if the charter contract goals are met</td>
</tr>
</tbody>
</table>
1. What will you be able to do with a charter that you can’t do without a charter?

2. What are your school system’s student performance objectives for the proposed charter term?

3. What specific actions will your school system take to achieve your student performance objectives during the proposed charter term?

4. What is the system’s plan to maximize school level governance?
Contract Approval Process

IE² system, charter cluster or school application

LBOE
Approval

GaDOE*
Review and make recommendation to SBOE

SBOE
Approval

New IE2 system, charter cluster or school

Charter system application

Charter Advisory Committee review and recommendation to SBOE

Start over or Status Quo

New charter system

Start over or Status Quo

*NOSA included for IE²
What Application Review Process

**Deadline**
ASAP if system wishes to have a charter or IE2 contract in effect by July 1, 2015

**Application Review**
- Legal and substantive review

**Interview with applicant**

**GaDOE makes approval/denial recommendations to SBOE**

**Clarification/change letter to applicant**

**Execution of the Contract**

**SBOE reviews Item for Information including CAC recommendation**

**SBOE approves/denies Action Item**

**Applicant responds to letter**

**GaDOE makes approval/denial recommendations to SBOE**
## Application Review Process

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<td>1. Approved by local board&lt;br&gt;2. Contract vetted by GOSA and GaDOE staff&lt;br&gt;3. Board item vetted by GaDOE Cabinet&lt;br&gt;4. State Board of Education approves or denies&lt;br&gt;5. If approved, contract signed by all parties</td>
<td>1. Approved by local board&lt;br&gt;2. Petition vetted by GaDOE staff&lt;br&gt;3. Petition vetted by GaDOE Cabinet&lt;br&gt;4. State Board of Education approves or denies&lt;br&gt;5. If approved, contract signed by all parties</td>
<td>• N/A</td>
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Time from receipt of petition to SBOE approval and contract = 8 to 24 months

Time from receipt of petition to SBOE approval and contract = 3 to 6 months
# Legal References*

<table>
<thead>
<tr>
<th>Phase 2 System</th>
<th>Charter System</th>
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<tr>
<td>§20-2-80</td>
<td>§20-2-84.4</td>
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<td>§20-2-81</td>
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<td>§20-2-84.4</td>
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<td>§20-2-2067.1</td>
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*Plus GaDOE Rules and Guidelines
Flexibility Orientation

• Local Boards of Education make a significant legal commitment when they sign a charter system, charter school, charter cluster, or IE2 contract.

• It is therefore critical that both new Board of Education members and new Superintendents receive a detailed orientation on their charter system, charter school, charter cluster, and IE2 commitments as part of their “on-boarding” process.
Additional Information

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