

**160-4-9-.04 CHARTER SCHOOLS AND CHARTER SYSTEMS  
DEFINITIONS.**

**(a) Academically Poor Performing Charter School** – a charter school that has been in operation for at least three (3) years and that (1) has been identified as being in the lowest-performing five (5) percent of all schools in the State and has failed to improve school performance over the past three (3) years (based on the state accountability system); and (2) has failed to demonstrate student academic growth of at least an average of one grade level for each cohort of students in each of the past three (3) years, as demonstrated by statewide or other approved assessments.

**(b) Charter** – a performance-based contract between the charter authorizer(s) and a Georgia nonprofit charter school governing board (nonprofit governing board). By entering into a charter, a nonprofit governing board and the charter authorizer(s) shall be deemed to have agreed to be bound by all the provisions of the Charter Schools Act, O.C.G.A. § 20-2-2060 et. seq., and all State Board of Education rules and guidelines implementing the Charter Schools Act as if such terms were set forth in the charter. A charter for a local charter school, if approved, shall be a three-party agreement between a Georgia nonprofit charter school governing board, a local board of education, and the State Board of Education. A charter for a Charter System, if approved, shall be a two-party agreement between a local board of education and the State Board of Education.

**(c) Charter Advisory Committee** – a committee established by the State Board of Education (the State Board) pursuant to O.C.G.A. § 20-2-2063.1 to make recommendations to the State Board of Education regarding approval or denial of charter petitions, charter policy, and the disbursement of planning grants. If directed to do so by the State Board of Education, the Charter Advisory Committee may mediate disputes between a local board that denied a charter petition and the charter petitioner whose petition was denied. The committee shall be composed of nine members as follows: (1) Three members appointed by the chairperson of the State Board; (2) Three members appointed by the Lieutenant Governor; and (3) Three members appointed by the Speaker of the House of Representatives. All members shall serve at the pleasure of their respective appointing officials. The committee shall elect a chairperson from among its membership.

**(d) Charter attendance zone** – the geographical area(s) indicated within a local charter from which students may attend the local charter school. It may include all or any portion of the local school system in which the charter school is located and may include all or any other portion of other local school systems if the charter school is jointly authorized pursuant to O.C.G.A. § 20-2-2063(c) or approved by the board(s) of education of those other school systems.

**(e) Charter authorizer** – an entity authorized under the Charter Schools Act to

review applications, decide whether to approve or deny applications, enter into charter contracts, oversee public charter schools and charter systems, and decide whether to renew, nonrenew, or revoke existing charter contracts.

**(f) Charter high school cluster** – a high school cluster that petitions for, and is granted a charter, held by a Georgia nonprofit charter cluster governing board.

**(g) Charter Management Organization (CMO)** – a non-profit organization that manages or operates two or more charter schools.

**(h) Charter petitioner** – a local school, local board of education, private individual, private organization, or state or local public entity that submits or initiates a petition for a charter, except that a charter petitioner for a local charter school shall be a party other than the local board of education. The term “charter petitioner” does not include home study programs or schools, sectarian schools, religious schools, private for profit schools, private educational institutions not established, operated, or governed by the State of Georgia, or existing private schools. In the case of a charter school, the charter petitioner does not become a party to the charter contract unless the petitioner is a Georgia nonprofit corporation.

**(i) Charter school** – a public school that is operating under the terms of a charter.

**(j) Charter system** – a local school system that is operating under the terms of a charter pursuant to O.C.G.A. § 20-2-2063.2.

**(k) College and career academy (CCA)** – a specialized school governed by a governing board, established as a charter school or pursuant to a contract for a strategic waivers school system or charter system, which formalizes a partnership that demonstrates a collaboration between business, industry and community stakeholders to advance work force development between one or more local boards of education, a private individual, a private organization, or a state or local public entity in cooperation with one or more postsecondary institutions.

**(l) College and career academy certification** - a certification process, established by The Office of College and Career Transitions (The Office) in collaboration with the Department of Education, for approval by the Technical College System of Georgia board and the State Board of Education. The Office shall be authorized to certify college and career academies. The State Board of Education shall accept certification by The Office as one component of determining compliance with charter and strategic waivers school system or charter system contract requirements. The State Board of Education may request supplemental information from charter petitioners, strategic waivers school systems, or charter systems. Any certification process shall require that the applicant demonstrates how the proposed college and career academy will increase student achievement, provide for dual credit and dual enrollment opportunities, increase work based learning opportunities, and address work force development needs; articulates how the collaboration between business, industry, and community stakeholders will advance work force development; demonstrates local governance and autonomy; and shows other benefits that meet the

needs of the students and community. Certification by The Office shall constitute a positive recommendation to the State Board of Education for renewal of a charter school or charter system pursuant to Code Section 20-2-2064.1 or an extension of a strategic waivers school system contract.

**(m) College and career academy governing board for a CCA established as a charter school** - the nonprofit governing board that will serve as a school-level decision-making body at the college and career academy, participate in the local and state charter petition review process, is a party to the charter contract, and is responsible for ensuring the implementation of and compliance with the charter contract. The charter contract shall include provisions requiring that the college and career academy have a governing board reflective of the school community and the partnership with decision-making authority and requiring that governing board members complete initial and annual governance training provided by The Office of College and Career Transitions, including, but not limited to, best practices on school governance, the constitutional and applicable statutes and rules and regulations.

**(n) College and career academy governing board for a CCA established by a charter system contract** - the governing board that will serve as the local school governance team at the college and career academy and is responsible for ensuring the implementation of and compliance with the CCA portions of the charter system contract. The charter system contract establishing the college and career academy shall include provisions requiring that the college and career academy have a governing board reflective of the school community and the partnership with decision-making authority and requiring that governing board members complete initial and annual governance training provided by The Office of College and Career Transitions, including, but not limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations, as well as any additional local school governing team training needed.

**(o) Conversion charter school** – a charter school that existed as a local school prior to becoming a charter school.

**(p) Education Management Organization (EMO)** – a for-profit organization that manages or operates a charter school.

**(q) Education Service Organization (ESO)** – a for-profit or non-profit organization that advises charter schools on operational matters including, but not limited to, finances, resource allocation, and human resources.

**(r) Education Service Provider (ESP)** – a for-profit or non-profit organization that contracts with new or existing charter schools to provide services including, but not limited to, curriculum design, professional development, student assessments, financial and operational management, facilities management, and human resources management, such as Education Management Organizations (EMOs), Charter

Management Organizations (CMOs), Education Service Organizations (ESOs), and others.

**(s) Educationally disadvantaged students** – all or a subset of the following: students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, and homeless students, as each such subset is defined by the State Board of Education in accordance with federal education guidelines and regulations.

**(t) Faculty and instructional staff members** – individuals, including paraprofessionals, assigned to the school on a full-time basis, and who have instructional responsibilities. The term “paraprofessional” shall have the same meaning as set out in O.C.G.A. § 20-2-204.

**(u) Financial Management Certificate** – a certificate awarded to employees of locally-approved charter schools upon successful completion of a State Board of Education approved charter schools financial management certification program that provides training for charter school leaders and personnel who are responsible for a school's budget, accounting, payroll processing, purchasing, and ensuring a school's financial policies are in line with state and federal laws and best practices in accordance with O.C.G.A. § 20-2-2073.

**(v) Fiscal agent** – the public entity responsible for receiving and dispersing funds to a local charter school and for the financial oversight of charter schools that it authorizes.

**(w) Founding board** – the initial governing board that establishes the nonprofit to develop and submit the local charter school petition.

**(x) Full-Time Equivalent Program Count (FTE)** – a student count consisting of six state-funded segments per student authorized under O.C.G.A. § 20-2-161.

**(y) Governing board** – The nonprofit governing board that will serve as a school-level decision-making body at a local charter school (not including system charter schools or college and career academies established by a charter system contract), participates in the local and state charter petition review process, is a party to the charter contract, and is responsible for ensuring the implementation of and compliance with the charter contract.

**(z) Governing council** – a local school governing team within a charter system.

**(aa) Georgia nonprofit** – a nonprofit corporation organized under the laws of the State of Georgia.

**(bb) High-Quality Charter School** – a charter school that (1) shows evidence of strong academic results, which may include strong student academic growth, as

determined by the state; (2) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance; (3) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and (4) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2) of ESSA (economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

**(cc) High school cluster** – a public high school and all of the public middle and public elementary schools which contain students who matriculate to such high school. The schools in a high school cluster may include charter schools, local schools, or a combination of both.

**(dd) Jointly authorized charter school** – a local charter school authorized by more than one local board and operating under the financial oversight of a designated fiscal agent.

**(ee) Local board of education (local board)** – a county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V, Paragraph II of the Georgia Constitution.

**(ff) Local charter school** – a start-up charter school or a conversion charter school that is operating under the terms of a charter between a Georgia nonprofit charter school governing board, the local board(s), and the State Board of Education.

**(gg) Local revenue** – local taxes budgeted for school purposes in excess of the local five mill share, combined with any applicable equalization grant and budgeted revenues from any of the following: investment earnings, unrestricted donations, and the sale of surplus property; but exclusive of revenue from bonds issued for capital projects, revenue to pay debt service on such bonds, and local option sales tax for capital projects. Nothing in this paragraph shall be construed to prevent a local board from including a local charter school in projects specified in the ballot language of a local option sales tax or bond referendum.

**(hh) Local school** – a public school in Georgia that is subject to the oversight of a local board of education.

**(ii) Local school governance (charter systems)** – a Local School Governing Team at system charter school shall have authority, as provided for in the contract, to make personnel decisions, including recommending the principal or school leader for selection by the local board of education; financial decisions and resource allocation

decisions, including having input into the final recommendations for a system charter school's budget and input as to the number and type of personnel, curriculum costs, supply costs, equipment costs and maintenance and operations costs; input into the 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 school operations, including input into any school operations that are consistent with school improvement and charter goals. The local board of education ultimately retains constitutional authority.

**(jj) Local school governing team** – a school-level council of parents, teachers, and community members at a system charter school who have responsibility for local school governance at a system charter school.

**(kk) Local school system** – the system of public schools established and maintained by a local board within its limits pursuant to Article VIII, Section V, Paragraph I of the Georgia Constitution.

**(ll) Locally-approved charter school governing board** - the nonprofit governing board that will serve as a school-level decision-making body at a local charter school (not including system charter schools and college and career academies established by a charter system contract), participates in the local and state petition review process, is a party to the charter contract, and is responsible for ensuring the implementation of and compliance with the charter contract.

**(mm) Merged charter school** – a charter school created by combining two (2) or more start-up charter schools and operating under the terms of a single charter between the nonprofit governing board, the local board(s), and the State Board of Education.

**(nn) Performance Framework** – a comprehensive accountability tool utilized to evaluate a charter school's overall academic, financial, and operational performance.

**(oo) Petition** – a proposal or application to establish a charter school or a charter system.

**(pp) Public Interest** – more likely than not to promote the welfare or well-being of students, staff, the community or the general public, including but not limited to, increased student achievement, financial stability, and positive school climate.

**(qq) QBE formula earnings** – funds earned from the Quality Basic Education Formula pursuant to O.C.G.A. § 20-2-161, including the portion of such funds that are calculated as the local five mill share in accordance with O.C.G.A. § 20-2-164.

**(rr) Qualified charter school contributions** – the donation of funds by a taxpayer to a qualified charter school organization for the purchase of real property and for

capital outlay for a charter school.

**(ss) Qualified charter school organization** – for the purposes of the capital outlay program, a charitable organization in this state that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code which is approved by the SBOE to provide funds for the purchase of real property for capital outlay for charter schools in this state.

**(tt) Sibling** – a child who shares at least one common biological or legal parent whether through natural or adoptive means, including biological siblings that share parents; half siblings that share a single parent; step siblings that share a parent or parents through marriage even if the marriage was terminated by death or dissolution; children who share a parent or parents through adoption or guardianship; and foster children awaiting permanent placement.

**(uu) Special school** – a school whose creation is authorized pursuant to Article VIII, Section V, Paragraph VII of the Georgia Constitution.

**(vv) State Board of Education approved training provider** – an individual or organization that is authorized by the State Board of Education to conduct charter school governing board training utilizing curricula aligned with the State Board of Education’s governance standards for locally-approved charter school governing boards and which meet a governing board’s identified areas for improvement.

**(ww) State Charter Schools Commission** – a state-level authorizing independent charter school authorizing entity, established pursuant to Article 31A of the Georgia School Code.

**(xx) Start-up charter school** – a charter school that did not exist as a local school prior to becoming a charter school.

**(yy) State Board of Education** – the constitutional authority that defines education policy for the public K-12 local education agencies in Georgia.

**(zz) State chartered special school** – a charter school created as a special school that is operating under the terms of a charter between the charter petitioner and the State Board of Education. State chartered special schools shall act as their own public Local Education Agency for accountability purposes.

**(aaa) Substantial autonomy** – 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 a decision will be substantially detrimental to students and is not in the public interest.

**(bbb) Substantial expansion** – Projected enrollment growth exceeds 33% of the previous year's October FTE-1 enrollment or the addition of more than one grade level compared to the previous year's October FTE-1 report.

**(ccc) Substantially detrimental** – More likely than not to cause financial injury, bodily harm, result in violation of the charter contract, or otherwise jeopardize the physical and/or mental health, safety, and welfare of students and/or faculty.

**(ddd) System charter school** – a school within a charter system that is not a local charter school.

**(eee) The Office of College and Career Transitions** – a division of the Technical College System of Georgia established by O.C.G.A. § 20-4-37, that coordinates the efforts by the State Board of Education, the University System of Georgia, the Technical College System of Georgia and other not for profit postsecondary institutions accredited by the Southern Association of Colleges and Schools in the professional development, curriculum support, governing board training and development and establishment of college and career academies.

**(fff) Unused Facility** – real property of a local board of education, including educational facilities as defined in O.C.G.A. § 20-2-260, that has not been used by the local board of education for the previous two years and is not included in the local school system's five-year educational facilities plan.

**(ggg) Virtual charter school** – a charter school that does not serve students at a physical facility but delivers instruction primarily through computer technology and the internet. This can include a blended model that serves students in a brick and mortar facility.

Authority: O.C.G.A. §§ 20-2-161, 20-2-240, 20-2-2062, 20-2-2063, 20-2-2063.1, 20-4-37

**Adopted:** August 24, 2017

**Effective:** September 13, 2017