

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

(a) **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.

(b) **Charter Advisory Committee** – a committee established by the State Board of Education 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 for charter systems. 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.

(c) **Charter attendance zone** – 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).

(d) **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 decide whether to renew, nonrenew, or revoke existing charter contracts.

(e) **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.

(f) **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.

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

(h) **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.

(i) **College and career academy** – a specialized charter school governed by a nonprofit governing board, established by a collaboration between business, industry and community stakeholders to advance workforce 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 and approved by the State Board of Education in accordance with the Charter Schools Act.

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

(k) **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.

(l) **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.

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

(n) **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.

(o) **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), 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.

(p) **Governing council** – a local school governing team.

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

(r) **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.

(s) **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.

(t) **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.

**(u) 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.

**(v) 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.

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

**(x) 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.

**(y) 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.

**(z) 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.

**(aa) 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.

**(bb) 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, and development and establishment of college and career academies.

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

**(dd) 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.

**(ee) 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.

**(ff) 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.

**(gg) 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.

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

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

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

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

**(ll) 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.

**(mm) 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.

**(nn) Substantial expansion** – Increases student enrollment by 50% within two years or adds at least two grade levels during the charter term.

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

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

**(qq) 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

Last Adopted: 11/6/2014