

## 160-4-9-.07 CHARTER SYSTEMS

### (1) CHARTER SYSTEM PETITION SUBMISSION.

(a) LETTERS OF INTENT. Letters of intent to submit a charter petition are *required* to be submitted to the Georgia Department of Education (Department) at least six (6) months prior to the date on which the petition will be submitted to the Department. The Department *recommends* that a letter of intent be submitted to the Department one (1) year prior to the date on which the petition will be submitted to the Department. After submitting a letter of intent, but prior to submitting a charter system petition, a local district may withdraw its letter of intent at any time upon written notice to the Department. At minimum, a letter of intent should include the following:

1. The name of the potential applicant;
2. Contact information for an authorized representative including phone number, mailing address and email address; and
3. The date by which the applicant plans to submit a petition.

Petitioners should consult the District Flexibility and Charter Schools Division website for additional content and formatting requirements. Petitions not preceded by a timely and complete letter of intent may be delayed or not considered until the following petition cycle.

### (b) LOCAL BOARD RESOLUTION.

1. Pursuant to O.C.G.A. § 20-2-2063.2, a local board seeking to create a charter system must adopt a resolution approving the proposed charter system petition prior to submission to the Department.
2. The resolution shall contain the following:
  - (i) A statement that the Local Board of Education (LBOE) wishes to submit a charter system application to the Department for consideration by the State Board of Education (SBOE);
  - (ii) A statement that indicates the LBOE seeks the broad flexibility offered by charter system status to increase student achievement; and
  - (iii) A statement that indicates that the LBOE understands and promotes the maximization of school level governance if the application is approved.

(c) PUBLIC HEARINGS.

1. Pursuant to O.C.G.A. § 20-2-2063.2, a local board seeking to create a charter system must hold two public hearings prior to submission to the Department.

2. NOTICE: The local board shall provide notice of the hearings in the same manner as other legal notices of the local board. Pursuant to O.C.G.A. § 20-2-2063.2, a local board seeking to create a charter system must send notice to each principal within the local school system of the hearings. The notice shall include instructions that each school shall distribute the notice to all faculty and instructional staff members and to the parent or guardian of each student enrolled in the school.

3. Prior to submitting a petition to the Department for review by the State Board, the local board may revise the petition, upon resolution, as a result of testimony at the public hearings or for other purposes.

4. Each public hearing must include the following:

(i) An explanation of the charter system concept, including broad flexibility and school level governance;

(ii) An opportunity for the community to ask questions and provide feedback on any proposed charter system initiatives; and

(iii) Engagement of business and industry stakeholders.

4. The Department encourages, *but does not require*, each system to utilize an online website to promote transparency and community engagement.

5. Where possible and as appropriate, Petitioners are encouraged to have additional community meetings to fully engage the community in the process.

(d) CHARTER PETITIONS TO THE DEPARTMENT OF EDUCATION.

1. Petitioners should consult the District Flexibility and Charter Schools Division website regularly for annual timelines, page limitations, and formatting requirements and O.C.G.A. § 20-2-2063.

2. Failure to comply with timelines or formatting requirements may delay or prohibit consideration of the petition in the current petition cycle.

**(2) CHARTER SYSTEM PETITION REVIEW PROCEDURES.**

(a) PETITION REVIEW BY DEPARTMENT. The Department shall process all charter system petitions submitted to the Department and coordinate with the Charter

Advisory Committee. The Department shall make recommendations to the State Board of Education on approval or denial on each charter system petition and shall specify the reasons for such recommendations. Department staff shall review all charter system petitions to ensure that the proposed charter system will comply with all applicable federal, state and local laws, including but not limited to, the Charter Schools Act [O.C.G.A. § 20-2-2060 *et seq*].

1. The maximum term for both initial and renewed charter contracts approved by the State Board of Education shall be five years.

(b) APPLICANT SITE VISIT AND INTERVIEW. Petitioners shall participate in a site visit and interview with Department staff and Charter Advisory Committee (CAC) members as part of the petition review process.

1. The goal of the interview and site visit is to gauge the petitioners' overall capacity to sustain operations of a high-quality charter system with regard to academics, operations, governance and finance.

2. The site visit and interview shall demonstrate the following:

(i) The petitioner's need for broad flexibility;

(ii) Possible innovations and their expected impact; and

(iii) Engagement of all stakeholders and maximization of local school level governance.

3. Representatives from stakeholder groups in the community, including but not limited to, district and school staff, local board members, parents, business and industry and other community members shall participate in the site visit and interview.

(c) NOTIFICATION OF DEFICIENCIES. After initial review by Department staff, the Department shall, in writing, notify the Petitioners of any deficiencies associated with their petition. After this notification, Petitioners may elect to:

1. Clarify or provide supplemental information;

2. Revise and resubmit the petition to the Department after securing necessary local board approval;

3. Withdraw the petition from consideration; or

4. Have the original petition submitted to the SBOE for a vote.

Unless all material deficiencies are addressed, Department staff will submit the petition to the SBOE for a vote with a recommendation for denial.

(d) **REQUIRED TRAINING.** All charter systems shall develop and implement a comprehensive training program. The Department reserves the right to require petitioners to complete Department training prior to petition submission, if and when such training is developed and becomes readily available to any interested party. Any governance team member that fails to fulfill training requirements shall not be allowed to serve on the governance team.

### **(3) CHARTER SYSTEM PETITION REQUIREMENTS.**

(a) **CHARTER SYSTEM PETITIONS.** All charter system petitions, including renewal charter system petitions shall contain the following elements:

1. **STATEMENT OF NEED AND INTENT.** A description of how the proposed charter system promotes the legislative intent of the charter system initiative to “increase student achievement through academic and organizational innovation,” in accordance with O.C.G.A. § 20-2-2061. The statement of intent must include a description of proposed innovations and their anticipated academic or organizational impact.

2. **STATEMENT REGARDING WAIVERS.** A statement that the system shall utilize the broad flexibility from law, rule, and regulation permitted by O.C.G.A. § 20-2-2065(a). Systems cannot waive any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; protecting physical and/or mental health and safety of school students, employees, and visitors; conflicts of interest; unlawful conduct; any reporting requirements of O.C.G.A. §§ 20-2-133, 20-2-210, 20-2-211.1, 20-2-320, 20-2-327(c); prohibiting the exclusion of students in dual credit courses from valedictorian or salutatorian determinations pursuant to O.C.G.A. § 20-2-161.3(f)(4); virtual instruction requirements of O.C.G.A. § 20-2-167.1; or school resource officer training requirements of O.C.G.A. § 35-8-27. The statement shall include an illustrative description of the system’s anticipated waivers and the innovations that each waiver will promote.

3. **STATEMENT OF GOALS AND OBJECTIVES.** The petition must list and describe in detail the specific performance-based goals and measurable objectives, which at a minimum shall include goals and objectives that are related to the state and federal assessment standards, measurable on at least an annual basis, attainable, and reflect the mission set forth in the petition. The petition shall demonstrate that the performance-based goals and measurable objectives will result in continuous improvement in student achievement and will comply with the Single Statewide Accountability System. Failure to meet the specific performance-based goals and measurable objectives may result in charter termination. The petition shall also

include a description of the specific actions the petitioner will take to meet the performance-based goals.

4. **SCHOOL LEVEL GOVERNANCE.** A description of how parents, members of the community including business and industry, and teachers will be involved in school level governance. The petition shall describe the following aspects of the local school governance teams: duties, composition, how and when members shall be selected, trained, how long they shall serve, how members may be removed from office, and how members shall avoid conflicts of interests. Members of the local board and the superintendent of the local school system are prohibited from serving on the local school governance teams, unless otherwise stipulated by the Department. Local school governance teams shall be comprised of a majority of parents and community members who are not otherwise employed by the local district. The petition shall also include a description of how the system will maximize school level governance in accordance with these Guidelines and a description of the governing authority of each LSGT in each of the following areas: personnel decisions, financial decisions and resource allocation, curriculum and instruction, establishment and monitoring the achievement of school improvement goals and school operations. For those decisions which are shared with other LSGTs or central office staff, the charter petition shall articulate how each LGST has input into those decisions and how that input will be taken into account prior to final decision making.

5. **DISTRICT SUPPORT.** A description detailing how the local district will ensure effective support of the charter system and school level governance, including, what, if any, changes it will make to its central office to ensure that the charter system and all system charter schools are properly supported.

6. **COLLEGE AND CAREER ACADEMY.** Any College and Career Academy (CCA) opened by or any existing CCA included in the Charter System must meet the definition of a College and Career Academy as defined in State Board Rule 160-4-9-.04, the Charter System must notify the Department and the Technical College System of Georgia of the opening, and the College and Career Academy must meet the following requirements related to College and Career Academies:

(i) If an existing CCA is included in the Charter System, then the current CCA's governing board would continue as the governing board of the College and Career Academy, using its current by-laws for operation and procedures for electing members;

(ii) Provide a Roles and Responsibilities chart between the College and Career Academy governing board, the charter system, and the CCA's higher education and business partners that includes the following:

(I) Information on the CCA's decision making authority regarding personnel decisions, financial decisions, curriculum and instruction resource allocation,

establishing and monitoring the achievement of school improvement goals, and school operations;

(II) Information on how the CCA will be funded by the District and other strategic partners; and

(III) Information on the services and supports to be provided to the CCA by the local district.

(iii) The district's charter system contract shall include the College and Career Academy as an Essential or Innovative Feature.

7. A local board seeking to establish a college and career academy pursuant to its charter system contract shall ensure the CCA has a governing board reflective of the school community and the partnership with decision-making authority and that governing board members complete seven (7) hours of initial and five (5) hours of annual governance training. The training shall adhere to the Standards for Effective Governance of Georgia College and Career Academies approved by the State Board of Education in conjunction with the Technical College System of Georgia (TCSG) and shall be provided only by The Office of College and Career Transitions of TCSG unless otherwise specified in this rule.

(i) Board members of any college and career academy governing board in the first year of implementation of the college and career academy shall participate, at a minimum, in seven (7) hours of training within (1) year of taking office. The training shall consist of the following minimum requirements:

(I) Two (2) hours of training on the constitutional and statutory requirements relating to public records and open meetings; and the requirements of applicable statutes and rules and regulations for a college and career academy. This training must be conducted by The Office of College and Career Transitions of TCSG.

(II) Two (2) hours of Whole Board Governance Team Training that covers topics within the Standards for Effective Governance of College and Career Academies. This training must be conducted by The Office of College and Career Transitions of TCSG.

(III) Three (3) hours of training that covers topics within the TCSG CCA Certification Standards, Community Workforce Development, and the role of the college and career academy and its partners. This training must be conducted by The Office of College and Career Transitions of TCSG.

(ii) New members of a college and career academy governing board shall participate, at a minimum, in seven (7) hours of training within one (1) year of taking office. Board members with a break in service of more than one calendar year shall be considered new board members for training purposes. The training shall consist of the

following minimum requirements:

(I) Two (2) hours of training on the constitutional and statutory requirements relating to public records and open meetings; and the requirements of applicable statutes and rules and regulations for a college and career academy. This training may be conducted by The Office of College and Career Transitions of TCSG or any State Board of Education-approved training provider.

(II) Two (2) hours of Whole Board Governance Team Training that covers topics within the Standards for Effective Governance of College and Career Academies. This training must be conducted by The Office of College and Career Transitions of TCSG.

(III) Three (3) hours of training that covers topics within the TCSG CCA Certification Standards, Community Workforce Development, and the role of the college and career academy and its partners. This training must be conducted by The Office of College and Career Transitions of TCSG.

(iii) College and career academy governing board members with one (1) or more years of board service shall participate, as a minimum, in five (5) hours of training annually. The training shall consist of the following minimum requirements:

(I) Two (2) hours of Whole Board Governance Team Training that covers topics within the Standards for Effective Governance of College and Career Academies. This training may be conducted by The Office of College and Career Transitions of TCSG or any State Board of Education-approved training provider.

(II) Three (3) hours of training that covers topics within the TCSG CCA Certification Standards, Community Workforce Development, and the role of the college and career academy and its partners. This training must be conducted by The Office of College and Career Transitions of TCSG.

8. ADDITIONAL INFORMATION. The petition may require additional information as necessary. Such additional information may include, but is not limited to:

- (i) The system's mission;
- (ii) The focus of the curriculum;
- (iii) Instructional methods to be used, including any distinctive or unique instructional techniques or educational programs to be employed; and
- (iv) A governance training timeline.

(b) **RENEWAL OF CHARTER SYSTEMS.** In addition to the requirements above, petitions for charter system renewal must also include data on the academic and organizational performance of the applicant during the current charter term. Renewal applicants should demonstrate whether they met, made progress toward, or did not meet their charter performance goals by utilizing the Department's Performance Framework. Applicants that demonstrate compliance with the law and Rules, in addition to meeting charter performance goals, may warrant expedited renewal at the discretion of the Department.

(c) Nothing in this Rule shall be construed to prevent the establishment of a charter school as a separate entity within an approved charter system, provided that the charter school meets all other requirements of Rule and law.

**(4) CHARTER SYSTEM ACCOUNTABILITY REQUIREMENTS.**

(a) **STUDENT PERFORMANCE.** All charter systems will be held accountable for student performance as outlined in the charter system contract. Student performance may be measured by the following:

1. The statewide accountability system;
2. Expected student growth; and
3. Progress toward other charter goals.

(b) **FISCAL HEALTH.** All charter systems will be held accountable for the fiscal targets as outlined in the charter system contract. Fiscal targets may include, but are not limited to, cash reserves and audit findings.

(c) **SCHOOL CULTURE.** All charter systems will be held accountable for the school culture targets as outlined in the charter system contract. School culture targets may include, but are not limited to, student absenteeism, parental satisfaction and student discipline.

(d) **MAXIMIZATION OF SCHOOL LEVEL GOVERNANCE.** All charter systems will be held accountable for maximizing school level governance. Local school governance teams (LSGTs) must exercise decision-making authority in each of the following categories and shall meet the minimum requirements as described below:

1. Personnel decisions – Charter systems shall develop processes to meaningfully engage LSGTs in the selection of the principal or school leader. LSGTs shall recommend the principal or school leader to the Superintendent for selection by the LBOE;



2. Financial decisions and resource allocation – LSGTs shall have input into the final recommendations for the school budget, including number and type of personnel, curriculum costs, supply costs, equipment costs and maintenance and operations costs;

3. Curriculum and Instruction – LSGTs shall have input into the selection of the curriculum and accompanying materials consistent with the district’s Essential and Innovative Features as included in the charter contract and the school’s Improvement Plan;

4. Establishing and monitoring the achievement of school improvement goals – LSGTs shall approve the school improvement plan and provide oversight of its implementation; and

5. School operations – LSGTs shall have input into school operations that are consistent with school improvement and charter goals.

In addition to the minimum requirements set forth above, the LBOE may grant each LSGT additional authority above the minimum. Although constitutional authority remains with the LBOE, both the Superintendent and LBOE shall give due consideration to recommendations and input from the LSGTs. Charter systems shall create processes that allow for meaningful input from LSGTs.

(e) VIRTUAL INSTRUCTION COSTS. All charter systems that provide virtual instruction through a virtual charter school whose total student enrollment is composed of more than five (5) percent of students who reside in another local school system will be held accountable for ensuring that ninety (90) percent of QBE funds for these students are expended on virtual instruction costs in accordance with O.C.G.A. § 20-2-167.1.

(f) ANNUAL TRAINING. All charter systems will be held accountable for providing annual training to the following:

1. LSGT members – shall be trained in the roles and responsibilities of the LSGT;
2. Principals – shall be trained on how to work with the LSGT;
3. LBOE members – shall be trained on what it means to be a charter system and the maximization of school-level governance;
4. Essential central office staff – shall be trained on the role of central office in supporting the charter system and empowering LSGTs; and

5. Superintendent – shall be trained on what it means to be a charter system, the maximization of school-level governance, and relationship management between principals, LSGTs and the LBOE.

(g) ANNUAL OPERATING BUDGET. Pursuant to O.C.G.A. § 20-2-167.1, the LBOE shall hold at least two (2) public meetings to provide an opportunity for public input on its proposed annual operating budget before adopting it. A summary or line-item version of the proposed budget shall be posted on a publicly available area of the LBOE’s website prior to the meetings. The public meetings shall not occur within the same week. Any other public meeting or hearing held that is related to the budget shall satisfy all or a portion of this requirement.

1. A summary or line item version of the adopted annual operating budget shall be posted and maintained on a publicly available area of the LBOE’s website until the annual operating budget for the next fiscal year is adopted by the LBOE.

2. Upon request, the LBOE shall provide, at no cost, an electronic copy of the line item version of the adopted annual operating budget in a suitable format within three (3) business days of such request. If the LBOE elects to post a summary of the adopted budget, this summary shall give notice of the right to request an electronic copy of the line item version of the adopted budget.

(h) FINANCIAL INFORMATION. Pursuant to O.C.G.A. § 20-14-46(c), charter systems shall post in a prominent location on its website a link to where the financial information listed in subsections (a), (b), and (c)(1) through (c)(5) of the Code section can be found. This financial information includes the charter system’s annual budget, personnel report, audits, and audit findings.

(i) ANNUAL REPORT. All charter systems shall submit an Annual Report no later than November 1 each year. The Department shall establish timelines, formatting requirements and other requirements annually in accordance with O.C.G.A. § 20-2-2067.1.

(j) MANAGEMENT OF CHARTER SYSTEM CONTRACT.

1. Pursuant to O.C.G.A. § 20-14-45, the terms of a charter system contract may be amended for the purpose of agreeing to receive assistance for system charter schools identified as turnaround eligible schools as defined in the Code section.

2. If a local board of education does not sign an amendment within 60 days or declines to sign an amendment, the State Board of Education shall, within 60 days, either implement one or more of the interventions specified in O.C.G.A. § 20-14-41(a)(6) for the school(s) identified as turnaround eligible, or terminate the charter system contract as allowed by the contract terms.

(k) All charter systems will be held accountable for compliance with any other requirements as described in law or the charter contract.

**(5) TEACHER EVALUATION.**

(a) Charter systems shall have the flexibility to implement a tiered teacher evaluation system and to define the measures needed to fulfill the requirements of the teacher and leader evaluations pursuant to state board rule 160-5-1-.37 and O.C.G.A § 20-2-210, including:

(i) For teachers of record who teach courses that are subject to annual state assessments aligned with state standards, define any additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation.

(ii) For teachers of record who teach courses that are not subject to annual state assessments aligned with state standards, define any:

(I) Student growth indicators, including the school or local school system total score on the annual state assessments that shall count for 30 percent of the evaluation; and

(II) Additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation;

(iii) For principals and assistant principals, define the combination of achievement gap closure, Beat the Odds, and College and Career Readiness Performance Index data that shall count for 20 percent of the evaluation; and

(iv) Implement a tiered evaluation system, in which reduced observations of certain teachers of record may be conducted to provide additional time for evaluators to coach and mentor new teachers and teachers with a performance rating of 'Needs Development' or 'Ineffective' pursuant to paragraph (4) of O.C.G.A § 20-2-210.

**(6) CHARTER ADVISORY COMMITTEE ROLE.**

(a) CHARTER POLICY. The Charter Advisory Committee may make recommendations on charter policy. Recommendations shall be approved by a majority vote of the Committee and shall be forwarded to the Department in writing.

(b) PETITION REVIEW. The Committee shall participate in the charter petition review process as applicable. At their discretion, the Department shall organize opportunities for the Committee to participate and provide feedback.

(c) RECOMMENDATIONS ON CHARTER APPLICATIONS. The Committee shall make a recommendation of approval or denial of each charter system applicant. Recommendations shall be approved by a majority vote of the Committee and shall be forwarded to the Department in writing.

(d) CONSULTANTS. From time to time and in cooperation with the Department, the Committee may contract through the Department with consultants to provide support to both potential and approved charter systems.

Authority: O.C.G.A. §§ 20-2-161 through 20-2-2063.2; 20-2-2065; 20-2-240; 20-2-2081

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