

**STATE OF GEORGIA
COUNTY OF BEN HILL**

RESOLUTION No.: 2018-7

**A RESOLUTION OF THE BOARD OF EDUCATION OF BEN HILL COUNTY,
GEORGIA FOR THE CHANGE FROM STRATEGIC WAIVER SCHOOL
SYSTEM TO CHARTER SCHOOL SYSTEM**

WHEREAS, the staff members of Ben Hill County Schools believe that each student is important, has unique needs, and deserves a high quality education as preparation for college and career; and

WHEREAS, the Ben Hill County Schools have achieved Accreditation with Quality, the highest level of accreditation that a district can receive from SACS/CASI; and

WHEREAS, Fitzgerald High School graduation has improved over five percent in the last three years, and now exceeds the state average; and

WHEREAS, Ben Hill Middle School achieved the 2016 CCRPI Flag Performance Targets for Economically Disadvantaged Students in English, math, science and social studies; and

WHEREAS, none of the Ben Hill County Schools outperformed the state averages with higher percentages of students in the top three levels of Milestones in Math, Science, and Social Studies in 2016; and

WHEREAS, none of Ben Hill County Schools are on the state's PRIORITY, FOCUS, or CHRONICALLY FAILING Schools lists; and

WHEREAS, Ben Hill County Schools have successfully implemented a Connections for the Classroom Grant from the Governor's Office of Student Achievement to pilot One-To-One Technology to transform teaching and learning; and

WHEREAS, the staff members of Ben Hill County believe the great results occur when dedicated teachers, motivated students, and engaged parents share high expectations and work together to achieve common goals; and

WHEREAS, in keeping with the mission of Ben Hill County Schools to Grow your mind, Grow your life;

NOW, THEREFORE, BE IT RESOLVED, that the Ben Hill County Board of Education requests to change from a Strategic Waiver School System to Charter School System with all requirements and benefits as set forth by Georgia law.

This 13th day of March, 2018.

**BEN HILL COUNTY BOARD OF
EDUCATION**

By: [Signature]
Gary D. Smith, Chairman

By: [Signature]
Shirley B. Brooks, Vice Chairman

By: [Signature]
Bill Bryant, Member

By: [Signature]
Theresa M. Davis, Member

By: _____
Eric Griffin, Member

By: [Signature]
Tony Herlovich, Member

By: [Signature]
Michelle Joiner, Member

Attest: [Signature]
Dr. Shawn Haralson, Secretary

[BOARD SEAL]

SECRETARY'S CERTIFICATE

GEORGIA, BEN HILL COUNTY.

I, Shawn Haralson, Secretary for the Board of Education of Ben Hill County, Georgia, DO HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of Resolution 2018-___ adopted by the Board of Education of Ben Hill County at an open meeting duly called and lawfully assembled at 6:00 o'clock p.m., on the 13th day of March, 2018, requesting that the Ben Hill County School District be changed from a Strategic Waiver School System to a Charter School System, a duplicate original of said Resolution being duly recorded in the Minute Book of the Board of Education, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the Board of Education of Ben Hill County, Georgia, were present at said meeting:

<u>Doug Le Smith</u>	<u>Tony Haralson</u>
<u>Philip B. Brooks</u>	_____
<u>Theresa M. Davis</u>	_____
<u>Michael Jones</u>	_____

and that the following members were absent:

<u>Bill Bryant</u>	_____
<u>Eric Griffin</u>	_____

and said resolution was duly adopted by a vote of:

Aye 5 Nay 0 Abstain 0

Witness my hand and the official seal of the Board of Education of Ben Hill County, this the 13th day of March, 2018.

[Signature]
Dr. Shawn Haralson, Secretary

CHARTER FOR BEN HILL COUNTY SCHOOLS

This Charter for Ben Hill County Schools (“Charter”) is entered into by the Ben Hill County Board of Education (“Local Board”) and the State Board of Education (“State Board”) (collectively referred to as “the parties”).

WHEREAS, the Local Board approved the petition proposing to establish a charter system pursuant to O.C.G.A. § 20-2-2060 et seq., the Charter Schools Act of 1998 (“Charter Schools Act”);

WHEREAS, the State Board finds that the petition complies with the provisions of the Charter Schools Act, and the rules, regulations, policies and procedures promulgated in accordance with O.C.G.A. § 20-2-2063 and further finds that the petition is in the public interest and promotes school level governance; and,

WHEREAS, pursuant to O.C.G.A. § 20-2-2063.2, the State Board grants this Charter to permit the Local Board to establish a charter system as defined in O.C.G.A. § 20-2-2062 (“Charter System”) in accordance with the terms and conditions of this Charter.

NOW THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Definitions. The terms below will be interpreted in accordance with the following definitions, unless and until federal or state law, or the state accountability system, is amended otherwise:
 - a. Elementary and Secondary Education Act as Amended (ESEA as Amended): The federal education statute, originally passed by the U.S. Congress in 1965, that defines the role of the federal government in public education and authorizes many of the major federal education programs, including Title I. This Act was reauthorized by Congress in 2015 as the Every Student Succeeds Act (ESSA).
 - b. College and Career Academy: A specialized school 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.
 - c. College and Career Ready Performance Index (CCRPI): A comprehensive school

improvement, accountability, and communication platform for all educational stakeholders that will promote college and career readiness for all Georgia public school students.

- d. Georgia Department of Education (GaDOE or Department): The Georgia Department of Education is the state agency charged with the fiscal and administrative management of certain aspects of K – 12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.
 - e. Local Educational Agency (LEA): A Local Educational Agency is a local system pursuant to local board of education control and management.
 - f. State Board of Education (SBOE or State Board): The State Board of Education is the constitutional authority which defines education policy for public K – 12 education agencies in Georgia.
 - g. State Performance Target: The state performance target is set using all students with the goal of decreasing the percentage of students who are not proficient.
2. Charter Term. The State Board grants this Charter to the Local Board to operate a Charter System for a 5-year term beginning on July 1, 2018 and expiring on June 30, 2023.
 3. Responsibility. The Local Board shall ultimately be responsible for all duties to be performed by the Charter System and the schools within the Charter System under this Charter.
 4. Charter System Schools.
 - a. Except as expressly indicated herein, all schools with a CCRPI designation, including new schools opening during the term of this charter, within the approved Charter System shall be Charter System Schools.
 - b. The Charter System shall notify the Department of any new Charter System Schools prior to obtaining a School Code.
 - c. Locally-approved start-up charter schools, conversion charter schools with separate charters and schools with admissions criteria, including but not limited to alternative education centers and magnet schools, shall be excluded from the Charter System.
 - d. The following schools are not part of the Charter System: NA.

e. Any College and Career Academy (“CCA”) opened by or any existing CCA included in the Charter System under the terms of this Charter must meet the definition of a College and Career Academy as defined in Section I above, the Charter System must notify the Department’s District Flexibility and Charter Schools Division 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:

1. Provide proof that the CCA governing board will continue to serve as the Local School Governance Team (LSGT) for the CCA;
2. 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;
3. Provide a signed Georgia College and Career Academy Partners Roles and Responsibilities Chart and, if preferred, an optional Memorandum of Understanding (MOU) between the College and Career Academy governing board, the charter system, and the CCA’s higher education and business partners, that provides the following:
 - Description of the CCA’s independence;
 - Description of the amount of funding the CCA will receive from the District;
 - Acknowledgement that the CCA Governing Board shall, in partnership with the District, exercise substantive control over and 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; and
 - Description of any services and supports to be provided to the CCA by the local district.
4. The district’s charter system contract shall include the College and Career Academy as an Essential or Innovative Feature.

5. Mission Statement. Empowering all students for success

6. Essential or Innovative Features. The Charter System shall implement, but is not limited to, the following innovations: College and Career Academy, Flexible Scheduling, Graduation Requirements and Student Portfolios, Project Based Learning.
7. Maximum Flexibility Allowed by Law. In exchange for the Charter System's agreement to meet or exceed the performance-based goals and measurable objectives set forth in Section 9 below, the State Board shall grant the maximum flexibility allowed by law to the Charter System. Pursuant to O.C.G.A. § 20-2-2065(a), the Charter System shall be entitled to the maximum flexibility allowed by state law from the provisions of Title 20 of the Official Code of Georgia Annotated and from any state or local rule, regulation, policy, or procedure established by the Local Board, State Board or the Georgia Department of Education ("Department"). Notwithstanding this maximum flexibility, the Charter System and each Charter System School shall comply with the terms of this Charter, the Charter Schools Act, including the provisions set forth in Section 18 below, and any rules, regulations, policies, or procedures established by the State Board consistent with the Charter Schools Act.
8. Accreditation. The district's accreditation pursuant to O.C.G.A. Section 20-3-519(6.1)(A) shall be maintained for the duration of the charter term.
9. Performance-Based Goals and Measurable Objectives. In exchange for the flexibility granted in Section 7 above, the Charter System agrees to meet or exceed the performance-based goals and measurable objectives that are designed to result in improvement of student achievement as set forth in Appendix A attached to this Charter.
10. Organizational Goals and Measurable Objectives. In exchange for the flexibility granted in Section 7 above, the Charter System agrees to meet or exceed the organizational goals and measurable objectives that are designed to result in improvement of organizational efficiency and school-level governance as set forth in Appendix A attached to this Charter.
11. Assessment and Accountability. Notwithstanding Sections 7 and 9 above, each Charter System School is subject to all accountability and assessment requirements set forth within Title 20 of the Official Code of Georgia Annotated and any corresponding State Board Rules, including but not limited to the accountability provisions of O.C.G.A. § 20-14-30 through § 20-14-49, O.C.G.A. § 20-2-73, and the use of Teacher and Leader Effectiveness Systems, including Student Learning Objectives. The Charter System Schools are also subject to all federal accountability requirements under the Elementary and Secondary Education Act, subject to any amendment, waiver or reauthorization thereof.
12. Annual Report. The Charter System shall submit an annual report by November 1 of each year to the Georgia Department of Education that complies with all requirements set forth in O.C.G.A.

§ 20-2-2067.1(c), including but not limited to an indication of the Charter System's progress towards the goals and objectives stated in Section 9 above and all state-mandated assessment and accountability scores from the previous year.

13. Open Enrollment and Admissions. The Charter System shall enroll students in its Charter System Schools per the terms of this Charter and in accordance with State Board rules. Each Charter System School shall comply with the open enrollment and admissions provisions set forth in O.C.G.A. § 20-2-2066. Enrollment shall be open to any student in accordance with the following criteria:
 - a. Attendance Zone. Enrollment shall be open to any student who resides within the attendance zone for the Ben Hill County School System. The attendance zone for each Charter System School shall be determined by the Ben Hill County School System.
 - b. Admissions. Charter System Schools may not use admissions criteria or applications that would not otherwise be used at a traditional public school, including but not limited to, requests for letters of recommendation, essays, resumes, or information regarding a student's school or community activities, grades, test scores, attendance record, or disciplinary history. Charter System Schools may use applications for the purpose of verifying students' residence within the Charter System School's attendance zone. Charter System Schools may gather supplemental information from students after enrollment is determined.
 - c. Random Lottery. If the number of timely applicants who reside in the attendance zone does not exceed the capacity of the Charter System School, the Charter System School shall allow students from outside the attendance zone an equal opportunity to enroll through the use of a random lottery process. Charter System Schools shall not conduct more than one lottery per grade per admissions cycle.
14. Withdrawal Without Penalty. The Charter System and each Charter System School shall comply with the provisions of O.C.G.A. § 20-2-2066(d).
15. State and Federally Mandated Educational Services.
 - a. Students with Disabilities. The Charter System and each Charter System School shall comply with all federal special education laws and regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act. Special education teachers must have a bachelor's degree and must either be certified in special education or hold a special

education license in Georgia.

- b. English Language Learners. The Charter System and each Charter System School shall comply with all applicable state and federal laws and regulations relating to the provision of educational services to English Language Learners.
- c. Supplemental Education. The Charter System and each Charter System School shall provide supplemental education services in required cases pursuant to State Board of Education Rule 160-4-5-.03 and Elementary and Secondary Education Act, subject to any amendment, waiver or reauthorization thereof.
- d. Remediation. The Charter System and each Charter System School shall provide remediation in required cases pursuant to State Board of Education Rule 160-4-5-.01 and Elementary and Secondary Education Act, subject to any amendment, waiver or reauthorization thereof.

16. Governance Structure.

- a. Governing Body. Each Charter System School shall utilize a Governing Council as its governing body, which shall operate with the intent and purpose of maximizing school-level decision making. The Governing Councils shall be responsible for complying with and carrying out the provisions of this Charter, including compliance with all applicable law. For the purposes of the Appendix attached to this charter, the Governing Councils shall be designated as the School Governance Teams (SGTs).
- b. School-Level Governance. The Governing Councils shall maximize school-level governance, which is defined as 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.
- c. Control and Management by Local Board. The Governing Council at each Charter System School shall be subject to the control and management of the Local Board.
- d. Function. It shall be the function of the Governing Councils to maximize school-level governance, uphold the Charter System's mission and vision, set policy for each Charter System School, ensure effective organizational planning, and ensure that Performance-based Goals and Measurable Objectives set forth in Sections 9 and 10 are met.
- e. Decision-Making Authority. The decision-making authority of the principal of each

Charter System School, the School Governing Council of each Charter System School, and the Local Board in personnel decisions, including hiring school principals and teachers; financial decisions; curriculum and instruction; resource allocation; establishing and monitoring the achievement of school improvement goals; and school operations shall be implemented.

- f. Annual Training. The Local Board shall adopt an annual training program that includes, at a minimum, an explanation of charter system culture and expectations. All Local Board members, all Governing Council members, the Superintendent, key Local District staff, and principals of Charter System Schools shall be trained.
- g. Public Meetings. The Governing Councils are subject to and shall comply with the Open and Public Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, and any subsequent amendment thereof. The Governing Councils shall conduct regular meetings consistent with principles of transparency and avoidance of actual or apparent conflicts of interest in the governance of each Charter System School.
- h. Public Records. The Governing Councils are subject to and shall comply with the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, and any subsequent amendment thereof. The Governing Councils shall maintain their adopted policies, budgets, meeting agendas and minutes and shall make such documents available for public inspection.
- i. Conflicts of Interest. The Charter System shall establish a formal policy to prevent and disclose conflicts of interest. Members of the Governing Councils and Charter System School employees shall abide by such conflicts of interest policy.
- j. Public Status. The Local Board assures that each Charter System School shall be a public, nonsectarian, nonreligious, nonprofit school organized and operated under the laws of the State of Georgia. The Local Board further assures that the Charter System Schools shall not be home based.
- k. Governance Council Compensation. The Charter System shall not compensate Governance Council members in excess of reasonable expenses incurred in connection with actual attendance at council meetings or with performance of duties associated therewith.

17. Fiscal Control.

- a. Annual Audit. The Charter System shall be subject to an independent annual financial

audit conducted by the Georgia Department of Audits and Accounts or an independent CPA licensed in Georgia as required by law.

- b. Federal Monitoring Requirements. Each Charter System School shall comply with all federal monitoring requirements related to the receipt of federal funds.
 - c. Charter School Program Grant Funds Eligibility. In the event the Charter System seeks grant funds under the federal Charter School Program, the Charter System must satisfy all federal eligibility requirements as a prerequisite to applying for and receiving such funds.
 - d. Insurance. Prior to opening, the Charter System shall secure adequate insurance coverage, and the Charter System shall maintain such coverage throughout the Charter term in accordance with the laws of the State of Georgia. Prior to execution of this Charter, the Charter System shall secure adequate insurance coverage and the Charter System shall maintain such coverage throughout the Charter term in accordance with the laws of the State of Georgia.
 - e. Responsibility for Debts. The Charter System is solely responsible for all debts incurred by the Charter System and its governing body. Except as agreed hereto, the State Board shall not be contractually bound to the Charter System or to any third party with whom the Charter System has a contract or from whom the Charter System has purchased goods or services.
18. Compliance with Other Laws, Rules, and Regulations. The Charter System and each Charter System School shall operate in accordance with the United States Constitution, the Constitution of the State of Georgia and all applicable federal, state and local laws that may not be waived pursuant to O.C.G.A. § 20-2-2065, including the following, which are listed by way of example and not by way of limitation.
- a. Civil Rights, Insurance, Health and Safety and Conflicting Interests. The Charter System and each Charter System School shall operate in accordance with all applicable federal, state, and local rules, regulations, court orders and statutes relating to civil rights; insurance; the protection of the physical health and safety of students, employees, and visitors; conflicting interest transactions and the prevention of unlawful conduct.
 - b. Asbestos Remediation. The Charter System and each Charter System School shall comply with the terms of any applicable asbestos remediation plan.

- c. Unlawful Conduct. The Charter System and each Charter System School shall be subject to all laws relating to unlawful conduct in or near a public school.
- d. Student Conduct and Discipline. The Charter System and each Charter System School shall maintain and implement a written policy regarding student discipline, which policy shall be consistent with due process.
- e. State Board Rules. The Charter System and each Charter System School shall operate in accordance with all State Board Rules promulgated in accordance with O.C.G.A. § 20-2-240 during the term herein that are not subject to any waiver granted in Section 7 above.
- f. Prohibition on Discrimination. The Charter System and each Charter System School shall not discriminate against students on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, academic ability, the need for special educational services or any other characteristic protected by local, state or federal law.
- g. Reporting Requirements. The Charter System and each Charter System School shall be subject to all reporting requirements of O.C.G.A. §§ 20-2-160, 20-2-161(e), 20-2-320 and 20-2-740.
- h. Tuition. The Charter System and each Charter System School shall not charge tuition or fees to its students except as may be authorized for local boards pursuant to O.C.G.A. § 20-2-133.
- i. Brief Period of Quiet Reflection. The Charter System and each Charter System School shall comply with O.C.G.A. § 20-2-1050, which requires a brief period of quiet reflection.
- j. Individual Graduation Plans. The Charter System and each Charter System School shall comply with O.C.G.A. § 20-2-327 related to Individual Graduation Plans.
- k. Family Educational Rights and Privacy Act. The Charter System and each Charter System School are subject to all provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. In the event a Charter System School closes, it shall transmit all official student records in the manner prescribed by the State Board.
- l. OBE Formula Earnings. The Charter System acknowledges that criteria used to calculate Quality Basic Education (QBE) funding may not be waived.

- m. Funding. The Charter System acknowledges that, although becoming a Charter System provides a district maximum flexibility, waivers cannot be used to generate additional funding.
19. Compliance with Rules, Practices, Policies, and Procedures of the Department. The Charter System shall operate in accordance with the rules, practices, policies, and procedures established by the Department under the authority granted by O.C.G.A. § 20-2-2063 *et seq.*
20. Employment Matters. Employees at each Charter System School shall not be considered employees of the State Board or Department.
- a. Background Checks. Each Charter System School shall adopt background check procedures and shall ensure that all prospective staff members undergo a fingerprinting and background check prior to beginning employment at the Charter System School.
 - b. Teachers Retirement System. All teachers at each Charter System School shall be members of the Georgia Teachers Retirement System (TRS) and subject to its requirements unless otherwise provided by law.
21. Record Inspection. Subject to state and federal laws, the Local Board, the State Board, its agents, and the state auditor's office shall have the right to examine and copy all records, reports, documents, and files relating to any activity, program, or student at each Charter System School.
22. Facilities.
- a. Should the Charter System choose to participate in capital outlay pursuant to O.C.G.A. §§ 20-2-260 through 20-2-262, the Charter System shall meet with all applicable Law, Rules, and Regulations.
 - a. Should the Charter System choose to not participate in capital outlay pursuant to O.C.G.A. §§ 20-2-260 through 20-2-262, the Charter System shall meet the following requirements:
 - i. Approval of Site and/or Facility. The Charter System shall obtain proper approval for all sites and/or facilities prior to committing to any certificate of lease or ownership, prior to commencing any construction and prior to student occupation. The Charter System shall contact the Georgia Department of Education's Facilities Services Division regarding the following:

1. Site Approval. No less than nine (9) months prior to proposed occupation, the Charter System shall contact the Facilities Services Division and obtain site approval. Once site approval has been granted, the Charter System will be issued a site code. The Charter System shall not commit to any certificate of lease or ownership, allow any construction to commence, nor allow student occupation prior to site approval.
 2. Architectural Review. The Charter System shall submit and have approved by the Facilities Services Division all architectural plans for any facility that will house the Charter System during the charter term. The Charter System shall not commit to any certificate of lease or ownership, allow any construction to commence nor allow student occupation prior to architectural review.
 3. School Code Approval. After securing both site approval and architectural review approval a school code shall be obtained. The Charter System shall properly obtain a school code prior to occupancy of the site and/or facility.
- ii. Prior to the beginning of the charter term, the Charter System shall obtain documentation from the Facilities Services Unit that the Department is in possession of the following documents for each Charter System School:
1. Documentation of Ownership or Lease Agreement. The Charter System shall obtain documentation of ownership or the lease agreement for each Charter System School.
 2. Certificate of Occupancy. The Charter System shall obtain a Certificate of Occupancy for each Charter System School.
 3. Emergency Safety Plan. The Charter System shall prepare a safety plan in accordance with O.C.G.A. § 20-2-1185, which plan shall be submitted to the Georgia Emergency Management Agency for each Charter System School.
- c. The Charter System further agrees that the list of requirements with regard to Facilities contained herein may not be exhaustive to the extent that they impact student health and safety and therefore the Charter System should approach the Facilities Services Unit prior to committing to any certificate of lease or ownership, allowing any construction to commence or allowing student occupation of a facility.

23. Grant Programs. To the extent that the Charter System wishes to participate in a state or federal grant program, the Charter System hereby acknowledges that the requirements of the grant program may not be waivable.
24. Transportation. The Charter System and each Charter System School shall comply with all applicable laws governing transportation of students.
25. Food Services. The Charter System and each Charter System School shall comply with all applicable laws governing food service for students.
26. Agreements with Local Board. This Charter shall not preclude any Charter System School from entering into an agreement with the Local Board, provided no such agreement supersedes, overrides or conflicts with any provision of this Charter.
27. Termination of Charter.
- a. Termination Procedures. The parties acknowledge and agree that this Charter may be terminated following the procedures set forth in O.C.G.A. § 20-2-2068 and the accompanying State Board Rule.
 - b. Requests for Termination. The termination of this Charter may be requested by any School Governing Council following the procedures set forth in O.C.G.A. § 20-2-2068 (b) and the accompanying State Board Rule.
 - c. Termination Grounds. In accordance with Sections 27(a) and (b), the State Board may terminate this Charter based on any of the following grounds:
 - i. The Charter System's failure to comply with any recommendation or direction of the State Board with respect to O.C.G.A. § 20-14-41;
 - ii. The Charter System's failure to adhere to any material term of this Charter, including but not limited to the performance goals set forth in Section 9 above;
 - iii. The Charter System's failure to meet generally accepted standards of fiscal management;
 - iv. The Charter System's violation of applicable federal, state, or local laws, or court orders;

- v. The Charter System's failure to comply with any provision of O.C.G.A. § 20-2-2065;
- vi. The existence of conditions that place the health, safety or welfare of students or staff of the Charter System in danger; or
- vii. Other sufficient grounds the State Board finds appropriate to terminate the Charter as a result of evidence presented at the hearing on a request for termination.

28. Suspension.

- a. Pre-Opening Suspension. In the event the Charter System fails to comply with any provision set forth in this Charter that requires compliance prior to the opening of any Charter System School, the conversion to a Charter System may be suspended until a time after all requirements have been fulfilled by the Charter System and as determined by the Department. Suspension shall not result in an extension of the Charter term set forth above in Section 2.
- b. Emergency Suspension. In the event of an emergency, as solely determined by the State Board, the State Board, through a regular or special-called meeting, may suspend the operations of the Charter System until a termination hearing can be conducted, as set forth in O.C.G.A. § 20-2-2068 and the accompanying State Board Rule.

29. Renewal, Non-Renewal and Probationary Status.

- a. Renewal. The Charter may be renewed by agreement of the parties following the procedures set forth in the Charter Schools Act and accompanying State Board Rule.
- b. Non-Renewal. Any grounds for termination stated in Section 27(c) above may also be grounds for non-renewal. In addition, the State Board may elect not to renew the Charter if the petition for renewal does not comply with the Charter Schools Act and the rules, regulations, policies and procedures promulgated in accordance with the Charter Schools Act or if the State Board deems that the Charter System or a Charter System School has not sufficiently increased student achievement or is no longer in the public interest.
- c. Probationary Term. In the event the State Board determines that the Charter System

has failed to comply with any provision of this Charter, the State Board may elect to grant a renewal for a probationary term, within which term the Charter School must come into compliance satisfactory to the Department.

30. Interventions and Sanctions. In accordance with O.C.G.A. § 20-14-41 and O.C.G.A. § 20-14-45 through § 20-14-49, the State Board shall impose one or more of the following interventions or sanctions for the Charter System and Charter System Schools that receive an unacceptable rating on student achievement, achievement gap closure, student progress, or any combination thereof:
- a. Issue public notice of the deficiency to the Local Board;
 - b. Order a hearing to be conducted at the Charter System School by the Local Board with the participation of the Governing Council for the purpose of notifying the public of the unacceptable performance, the improvements in performance expected by the Governor's Office of Student Achievement, and the interventions that may be imposed under the Code sections if the performance does not improve within a designated period of time, and for the purpose of soliciting public comment on the initial steps being taken to improve performance;
 - c. Order the preparation of an intensive school improvement plan that addresses each academic excellence indicator for which the Charter System School's performance is unacceptable, the submission of the plan to the State Board for approval, and implementation of the plan;
 - d. Appoint a third-party specialist to conduct a comprehensive on-site evaluation of each low-performing Charter System School and, in cooperation with a turnaround coach and a regional educational service agency, recommend appropriate actions and assist in the development and monitor the implementation of an intensive school improvement plan focused on student achievement;
 - e. Conduct individual assessments of students identified as low-performing and provide them with various services and supports as needed, and screen all students to diagnose factors for low performance;
 - f. Create local collaborations to identify state and community resources that are available or that could be built upon, reallocated, or repurposed to address personal and community conditions impacting a Charter System School's performance;
 - g. Appoint a school master or management team to oversee and direct the duties of the principal of a Charter System School that has received an unacceptable rating for two consecutive years or more;
 - h. For a Charter System School that has received an unacceptable rating for three consecutive years or more after implementing an intensive school improvement plan and upon consultation with the Local Board (after an opportunity for a hearing):
 - i. Remove school personnel;
 - ii. Allow for the implementation of a state charter school or a special school, as

defined in O.C.G.A. § 20-2-2062;

- iii. Mandate the complete reconstitution of the school;
- iv. Mandate that parents have the option to relocate their students to another public school chosen by the parents within the district;
- v. Mandate the operation of the school by a private nonprofit third-party operator selected and contracted by the Local Board;
- vi. Mandate the operation of the school by a successful school system and pursuant to funding criteria established by the State Board;
- vii. Continue the implementation of the school's intensive student achievement improvement plan; or
- viii. Mandate a complete restructuring of the school's governance arrangement and internal organization; or
- ix. Any other interventions or requirements deemed appropriate for the school by the Chief Turnaround Officer and the State Board; or
- i. For a Charter System School that has received an unacceptable rating for two consecutive years or more, upon consultation with the Local Board, in accordance with State Board rules, and in addition to any other interventions imposed, the State Board shall mandate public school choice, specified maximum class sizes, and site-based expenditure controls.

31. Temporary Extension. At the discretion of the Department and the local Superintendent, a Charter System may be extended for a grace period not exceeding sixty (60) days.
32. Amendments to Charter. Any material term of this Charter, to be determined by the Department, may be amended in writing upon the approval of the Local Board and the State Board. Any proposed amendment shall be made in accordance with O.C.G.A. § 20-2-2067.1 and the accompanying State Board Rule.
33. Administrative Clarifications. Any request for a clarification to a non-material term of this Charter, to be determined by the Department, shall be submitted in writing to the Department for review. Any non-material term of this Charter may be clarified upon written approval of the Department.
34. Non-Agency. Nothing in the Charter shall be construed as creating or constituting the relationship of a partnership, joint venture, (or other association of any kind or agent and principal relationship) between the parties thereto. No party to the Charter has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another party to the Charter.
35. Delegation. The parties agree and acknowledge that the functions and powers of each party may

be exercised only by each party and may not be delegated to a third party without written agreement by the Local Board and the State Board.

36. Application of Amended Law. This Charter is subject to applicable state and federal laws and shall be deemed amended to reflect applicable changes to those laws upon the effective date of any such change.
37. Non-Waiver. No waiver of any breach of this Charter shall be held as a waiver of any other or subsequent breach.
38. Severability. If any provision of the Charter is determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in full force and effect.
39. Governing Law and Venue. This Charter shall be governed by, subject to, and construed under the laws of the State of Georgia. This Charter shall be interpreted in accordance with O.C.G.A. § 20-2-2060 *et seq.*, as amended within the term of this Charter. Any action brought by one party to this Charter against another party shall be brought in the Superior Court of Fulton.
40. Contradicting or Conflicting Provisions. If any provision of the Charter is determined to contradict or conflict with any other provision of the Charter, the contradiction or conflict shall be resolved in favor of the broad flexibility guaranteed pursuant to O.C.G.A. § 20-2-2065 *et seq.*
41. Entire Agreement. This Charter sets forth the entire agreement between the Local Board and the State Board with respect to the subject matter of this Charter. All prior contracts, representations, statements, negotiations, understandings, and undertakings between the Local Board and the State Board are superseded by this Charter. The petition submitted to and approved by the Local Board serves only as the formal application for a Charter System and does not constitute a contract between the State Board and the Local Board. This Charter supersedes any conflicting provision contained in the petition.

Chairperson, STATE BOARD OF EDUCATION

(Date)

Chairperson, BEN HILL COUNTY
BOARD OF EDUCATION

(Date)

Superintendent, BEN HILL COUNTY SCHOOLS

(Date)

Appendices to Charter for Ben Hill County Schools

Appendix A

The State Board shall hold the Charter System accountable for the full performance of each of the academic goals listed below.

Goal 1: During each year of its first five-year charter term, each Charter System School shall “beat the odds” as determined by a formula measuring expected CCRPI without Challenge points. If less than all of the Charter System Schools beat the odds in the first year of the charter contract, the Charter System shall increase the number of Charter System Schools beating the odds each year so that all Charter System Schools will beat the odds in the fourth year of the charter contract.

- Schools that Beat the Odds are those with a higher CCRPI (without Challenge points) than similar schools serving similar students in Georgia.
- The Beating the Odds analysis predicts a range within which each school’s CCRPI is statistically expected to fall – given the school’s size, grade cluster, student demographics (including race/ethnicity, disability, English Learners, and poverty), and student mobility.
- If an individual school’s actual CCRPI is above the predicted range, then that school Beat the Odds.
- An annual unique cross-sectional dataset is created using information from the College and Career Ready Performance Index (CCRPI), the Governor’s Office of Student Achievement’s Report Card, and the Georgia Department of Education’s Student Record. *Beating the Odds* uses the CCRPI Single Score without Challenge points. Note that the factors may change during the charter term.

Goal 2: The Charter System will demonstrate proficiency and/or improvement on the CCRPI Single Score without Challenge Points.

1. **Measure 1:** Year 1 of the charter term will establish a CCRPI baseline. The Charter System’s CCRPI score shall be equal to or better than the State in Year 2, and better than the State in Years 3-5 of the charter contract.
2. **Measure 2:** If Charter System’s first year CCRPI score is lower than the State, it shall have until the end of Year 2 of the charter term to close the gap between the district and the State.

3. Measure 3: In Years 3-5 of the charter term, the Charter System's CCRPI score shall be better than the State.

The State Board shall hold the Charter System accountable for the full performance of each of the operational goals listed below.

Goal 3: Promote a positive school experience by providing a safe school environment.

Measure 1: According to data reported by the Governor's Office of Student Achievement Report Card, from a baseline established in Year 1 of the charter term, the Charter System shall decrease the percentage of students absent 15 days or more by at least 1% each year.

Measure 2: From a baseline established in Year 1 of the charter term (2016-2017), the charter system will increase parent satisfaction annually by 5% as measured on the annual parent perception survey until parent satisfaction measures 90% at which time the Charter System shall maintain the 90% satisfaction rate.

Measure 3: From a baseline established in Year 1 (2016-2017) the Charter System will increase parent participation annually by 5% up to 90% at which time the Charter System shall maintain the 90% participation rate.

Goal 4: The Charter System will be economically sustainable.

Measure 1: Each year, the charter system will operate in a fiscally sound manner as measured by an external audit.

Measure 2: Actual and proposed budgets for each school year will demonstrate effective allocation of resources.

Measure 3: Yearly balance sheets will demonstrate that the charter system maintains adequate cash reserves.

Measure 4: The charter system will meet all Generally Accepted Governmental Accounting Standards (GAGAS) as demonstrated by external, annual audit reports.

Goal 5: The Charter System will foster individual school-level governance.

Measure 1: All School Governing Teams will undergo annual governance training.

Measure 2: All School Governing Teams will meet a minimum of six times during the school year.

Measure 3: All School Governing Teams will have representation from a variety of stakeholders, such as teachers, parents and community leaders.

Measure 4: System will create a spreadsheet listing the decisions being made by each School Governing Team in the areas of personnel decisions, financial decisions and resource allocation, curriculum and instruction, establishing and monitoring the achievement of school improvement goals and school operations, to be updated quarterly and maintained through the duration of the charter term.

Appendix B: School-Level Governance Decision-Making Matrix