

160-4-9-.05 CHARTER SCHOOLS PETITION PROCESS.

(1) CHARTER PETITION SUBMISSION.

(a) **LETTERS OF INTENT.** Letters of intent to submit a charter petition for local board of education (local board) consideration shall be submitted to both the Georgia Department of Education (the Department) in accordance with the Charter Schools Petition Process Guidelines, and to the appropriate local board(s) in accordance with any local district policies.

(b) **CHARTER PETITIONS TO LOCAL BOARDS.** Local boards shall adopt policies and publish deadlines regarding submission of charter petitions that are consistent with the timeline and requirements for charter petitions as outlined in this Rule and in the Charter Schools Petition Process Guidelines. The Department may request that a local board revise any policy that precludes the uniform application of this Rule. Local boards shall either approve or deny a petition pursuant to O.C.G.A. §20-2-2064, including voting to approve or deny a petition no later than ninety (90) days after its submission unless the petitioner requests an extension. If a local board denies a petition, it shall within sixty (60) days specifically state the reasons for such denial in a written statement to the charter petitioner and the State Board of Education. If a local board denies a petition, the petitioner shall not be precluded from submitting a revised petition to the local board that addresses the deficiencies cited in the denial. The local board shall set a reasonable timeline for petitioners to resubmit their petitions within the local petition review cycle in which the petition was denied. Furthermore, if a local board denies a petition and cites that approval is not in the public interest, it shall include in its written explanation of why the charter is being denied a detailed description of why approval is not in the public interest. If a local board denies a petitioner, the State Board of Education or the Charter Advisory Committee may mediate between the local board and the charter petitioner whose petition was denied in order to assist in resolving issues which led to the local board's denial of the petition.

(c) **CHARTER PETITIONS TO THE DEPARTMENT OF EDUCATION.** Charter petitioners shall ensure that petitions adhere to all application requirements and related timelines as established by the Department pursuant to O.C.G.A. §20-2-2063 and promulgated in the Charter Schools Petitions Process Guidelines.

(2) CHARTER PETITION REVIEW PROCEDURES.

(a) The Department shall process all charter petitions submitted to the Department on behalf of the State Board of Education as outlined in the Charter Schools Petition Process Guidelines.

(b) The Department shall coordinate with the Charter Advisory Committee, as applicable, to facilitate their review of petitions and their subsequent recommendations to the State Board of Education.

(c) The Department shall first review submitted petitions to determine if they are complete and meet the legal requirements to warrant further review.

(d) If a charter petition is deemed to be incomplete, or fails to meet the legal requirements to warrant further review, the petition shall be rejected and the petitioner notified of the reasons for that rejection.

(e) Those petitioners who pass the completeness and petition legal requirements review shall attend an interview with Department staff as part of the petition review process. A majority of the members of the charter school governing board are required to be in attendance at the interview.

(f) The Department shall make recommendations to the State Board of Education for approval or denial of a charter contract and shall specify to the State Board of Education the reasons for its recommendation.

(3) REVIEW PROCEDURES FOR DEPARTMENT REVIEW OF NEW AND RENEWAL CHARTERS GRANTED BY THE STATE CHARTER SCHOOLS COMMISSION.

(a) The Department shall review all approved charter contracts granted by the State Charter Schools Commission (SCSC), including both initial and renewed charters, along with the related petitions and other materials presented by SCSC staff to the SCSC members.

(b) The Department shall make recommendations to the State Board of Education regarding the State Board of Education's affirmation or overrule of all new or renewal charters, and where the recommendation is to overrule the SCSC's decision, shall specify the reasons for its recommendation to overrule the SCSC.

(4) CHARTER PETITION REQUIREMENTS.

(a) CHARTER PETITIONS. All charter school petitions shall address all petition requirements as outlined in the Charter Schools Petitions Process Guidelines pursuant to O.C.G.A. §20-2-2063.

(b) STATE CHARTERED SPECIAL SCHOOL PETITIONS. All state chartered special school petitions shall meet all petition requirements set forth in the Charter Petitions Process Guidelines as provided by O.C.G.A. § 20-2-2063. However, the Department reserves the right to request supplemental information, as needed. The content of a state chartered special school petition may not be altered from the content that was submitted to the local board(s) that denied the petition.

(c) RENEWAL OF CHARTERS. Charter renewal petitions submitted to the local board(s) and to the Department shall address all petition requirements as outlined in the Charter Petitions Process Guidelines. Existing charter schools may not apply for renewal to a new authorizer. Existing charter schools seeking to switch authorizers must apply to the new authorizer as a new petitioner. Existing charter schools that meet the qualifications of a "high quality charter school" as established by the Department may be eligible for an expedited review in accordance with policies developed by the Department.

(d) The local school governing team of a system charter school may petition to become a conversion charter school, not subject to the terms of the system charter. In the event that a system charter school becomes a conversion charter, the system shall reflect that change in their annual report.

Authority: O.C.G.A. §§ 20-2-161, 20-2-240, 20-2-2062, 20-2-2063, 20-2-2063.1, 20-2-2081

Last Adopted: 11/6/2014