

Current Policy

Board Policy
Charter SchoolsDescriptor Code: IBB

Definitions

Charter – a performance-based contract between the charter authorizer(s) and a charter petitioner. By entering into a charter, a charter petitioner and the charter authorizer(s) shall be deemed to have agreed to be bound to all the provisions of the Charter Schools Act, the State Board's school rules and this policy as if such terms were set forth in the charter.

Start-up charter school – a charter school that did not exist as a local school prior to becoming a charter school. The petitioner is not the local board.

Conversion charter school – a charter school that existed as a local school prior to becoming a charter school.

Local charter school – a start-up charter school, an LEA start-up charter school, a high school cluster, a jointly authorized charter school, or a conversion charter school that is operating under the terms of a charter between the charter petitioner, the local board, and the SBOE.

Charter petitioner – a local school, local board of education, private individual, private organization, or state or local public entity that submits a petition for a charter. 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.

Charter school – a public school that is operating under the terms of a charter.

Community- DeKalb County School District in its entirety.

Faculty and instructional staff members – all certificated personnel assigned to the school on a full- time basis and all paraprofessionals assigned to the school on a full-time basis. The term "paraprofessional" shall have the same meaning as set out in O.C.G.A. § 20-2-204.

The DeKalb County Board of Education will consider for approval complete proposals for local charter schools which comply in all respects with Georgia law, State Board of Education (SBOE) rule, State Department of Education (SDOE) guidelines and DeKalb's policies and administrative rules. The petitioner will provide the requested number of complete electronic and hard copies of the petition and other required documents.

General Requirements – The board of education shall approve no charter, nor shall it renew an existing charter, unless it deems the petition to be in the public interest and to be in compliance with Georgia law, SBOE rule, SDOE guidelines, DeKalb policy and administrative rules and any guidelines or checklists issued by the Charter Office from time to time. The documents submitted for review should be in final form with consideration for spelling, grammar and content.

Funding: All charters shall be funded in accordance with State law, GADOE rules and local policies.

Fiscal Responsibilities: All Federal and State grant funds earned by the charter school must be spent in conformity with State and Federal laws governing such grants. Further,

all grant funds shall be spent exclusively for educational purposes and shall comply with the requirements of Georgia law, SBOE rule, SDOE guidelines, DeKalb County board policy and administrative rules.

Public Interest – In order to be considered to be in the public interest by the DeKalb County Board of Education, a charter petition or any request for a charter renewal, must, at a minimum, demonstrate that the curriculum, instruction and accountability programs set forth in the petition combine to create an innovative, unique opportunity for student learning which does not duplicate existing DeKalb programs or exist in any DeKalb County school(s). Further, the proposed charter school(s) must demonstrate it will increase student achievement through academic and organizational innovation in accordance with O.C.G.A. § 20-2-2065(a). The petition must also show how the intended location of the school is in the public interest of the community. In addition, the charter petitioner must demonstrate ability, financial resources, expertise and other resources necessary to manage successfully all aspects of a charter school.

Waivers – The DeKalb Board of Education will not consider favorably a charter petition seeking to take advantage of a blanket waiver of state laws, state board of education rules and regulations and board of education policies. Instead a charter petitioner must, as described in State Board of Education Rule 160-4-9-.04 and 160-4-9-.05 set forth explicitly in its petition any statute, rule, regulation or policy it seeks to have waived pursuant to O.C.G.A. § 20-2-2065(a) and the reasons supporting such request relating to how such a request supports the charter's objective of meeting or exceeding student performance standards.

Letter of Intent – For each proposed charter, a single letter of intent shall be submitted to both the State Board of Education and the DeKalb County Board of Education at the DeKalb County School district Central Office. The letter must introduce the school's vision, mission, grade levels, anticipated number of students, proposed opening date, location of school and originality or inventiveness to improve student academic achievement and behavior. This letter of intent shall be submitted to both DCSS and SBOE no later than December 1st for start-up charter petitions and March 1st for conversion charter schools, pursuant to state rule and guidelines in order to be presented and considered.

Charter Petitions – All charter petitions shall comply with the requirements of Federal law, Georgia law, SBOE rule, SDOE guidelines, DeKalb County board policies and administrative rules and any guidelines or checklists issued by the charter office from time to time. The sole responsibility of the writing of the petition is that of the petitioner. The school district shall not participate in the formulation of the petitions. Any questions and concerns may be addressed by the Charter School Office after submittal of letter of intent prior to the completion of the charter petition. The DCSS Charter Office may request additional information from the petitioner after the charter petition has been submitted.

Charter Amendments - Pursuant to O.C.G.A. § 20-2-2067.1, the charter of a local charter school may be amended during the charter term upon the approval of the school governing board, the local board(s), and the SBOE. Once an amendment is approved by the governing board and the DeKalb board of Education, it shall be submitted to the SBOE as appropriate, for approval.

DeKalb County Schools' Board of Education shall, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the amendment's submission to the local board(s), unless the local board(s) and the charter school governing board mutually agree to temporarily postpone the vote to a specific date. DeKalb County Schools shall notify the State Board of Education in writing of the charter amendment decision. If the local board(s) and the charter school governing board do not agree to the amendment, the SBOE may recommend mediation between both parties upon the request of any party to help 160-4-9-.04 resolve differences regarding the proposed amendment. If the

amendment is not accepted by the local board(s) or the SBOE, the charter continues in its current unamended form.

Charter School Review Committee – A Charter School Review Committee (“CSRC”), appointed by the superintendent, shall determine whether each charter petition is in compliance with applicable law, SBOE rule and SDOE guidelines, local board policy and administrative rule.

- a. Letters of intent and charter petitions shall be filed with the DCSS Charter Office. Letters should be postmarked to:

DeKalb County Schools
Attn: Office of Charter Schools
1701 Mountain Industrial Blvd
Stone Mountain, GA 30083

These letters will then be referred them to the Charter School Review Committee (“CSRC”), Superintendent and to the school board attorney. All petitions shall strictly observe the time line established pursuant to Georgia law, SBOE rule, SDOE guidelines and DeKalb administrative rule and guidelines.

- a. The superintendent shall, where appropriate and in accordance with this policy, promulgate administrative rules and cause forms to be produced for use by charter petitioners. Such rules and forms shall be published on the board of education website and shall be binding on all charter petitioners.
- b. Any request for extension which results in board consideration later than the regularly scheduled July business meeting for start-ups or the regularly scheduled October business meeting for conversions and renewals shall not be considered for approval for the subsequent school year. If approval is granted by the board after the July and October meetings, respectively, it will be for the school year after the following school year.
- c. The superintendent, following receipt of the CSRC’s evaluation and consultation with the school board attorney, shall submit the charter petition for recommendation for approval or denial within sixty (60) days of its submission unless the petitioner requests an extension.
- d. Petitions approved by the local board shall be delivered to the Department of Education by the DCSS Charter Office for review by the SBOE within thirty (30) days of board action. All materials must be submitted in accordance with both local and state policies and procedures related to charter petitions.

Termination Recommendation Hearings – In the event that any of the following groups request that a charter be terminated; majority of parents of guardians of students enrolled at the charter school, faculty and instructional staff employed at the charter school, the local board (s), or SBOE, the following procedures will be implemented:

- (a) For termination requests from a majority of the parents or guardians of students enrolled at the charter school or by a majority of the faculty and instructional staff employed at the charter school:
 1. The group requesting the termination of the charter must submit within thirty (30) days of the public meeting held pursuant to O.C.G.A. § 20-2-2068(a)(1) (A) or (B), a petition for

termination to the SBOE which shall include the following:

- (i) A written statement detailing the reasons for termination, including supporting documentation;
- (ii) The minutes, if any, of the public meeting where the termination request was voted upon;
- (iii) Documentation showing that a public meeting and vote was held in accordance with the requirements of O.C.G.A. § 20-2-2068(a)(1) (A) or (B);
- (iv) A written statement signed by a member of the group requesting termination stating that an identical copy of the materials submitted by such group to the SBOE pursuant to this subsection has also been provided to the appropriate officials at the charter school, which shall 160-4-9-.04 include at a minimum the principal of the school and the president of the governing board, and the superintendent of the local board of education that serves as the fiscal agent for the charter school; and
- (v) Any other pertinent information.

2. The charter school and local board shall have thirty (30) days from receipt of the petition for termination to provide a written response to the petition to the SBOE.

3. Upon receipt of the termination request and following the 30-day period for the charter school's response, the SBOE shall conduct a hearing and render a decision in accordance with Georgia's Administrative Procedures Act.

4. If the SBOE votes to sustain the charter, it shall take notice of the termination request if the charter comes up for renewal.

(b) For termination requests originating with the local board(s):

1. The local board(s) shall provide appropriate notice of proposed termination to the charter school and conduct a hearing on the proposed termination in accordance with O.C.G.A. § 20-2-2068;

2. If the determination is made that the termination of the charter will be requested, the local board(s) shall then file a petition for termination with the SBOE within thirty (30) days of the local board hearing.

(i) Pursuant to O.C.G.A. § 20-2-2068(a)(3), the request shall include a succinct statement of the reasons for the termination request, the transcript of the evidence and proceedings, and the decision of the local board of education;

(ii) The local board(s) shall send a copy of the above documents to the charter school at the same time such documents are filed with the SBOE.

3. Upon receipt of the above documents, the SBOE shall assign a hearing officer to consider the petition, review the transcript of evidence, proceedings, and findings of the local board(s), and make a report and recommendation to the SBOE.

(i) The SBOE shall uphold the decision of the local board(s) if it finds sufficient evidence to sustain the decision.

(ii) The SBOE shall render a final written decision and shall notify the parties accordingly.

(c) For termination requests initiated by the SBOE, including termination requests for state

chartered special schools:

1. The SBOE shall notify the charter school and, where applicable, the local board(s), of its intention to convene a hearing for the purposes of determining whether the charter school is in violation of a provision of O.C.G.A. § 20-2-2068(a)(2). The notification shall include the specific provisions of O.C.G.A. § 20-2-2068(a)(2) that the charter school is alleged to have violated and shall contain all information contained in O.C.G.A. § 50-13-13(a)(2).
2. The charter school and, where applicable, the local board(s) shall have thirty (30) days from the date of SBOE notification to file a response.
3. After the thirty-day period for receiving a response has elapsed, the SBOE shall conduct a hearing and render a decision in accordance with Georgia's Administrative Procedures Act.
4. If the SBOE determines that the charter should be terminated, it shall issue a statement setting forth the reasons for such termination.

(d) The governing council of a district charter school may request termination of a district charter. For such requests:

1. A petition to terminate a district charter must be submitted in writing by the school governing council of a district charter school to the SBOE and to the charter district.
2. The charter district shall have thirty (30) days from receipt of the petition for termination to provide a written response to the SBOE.
3. Upon receipt of the petition for termination and following the 30-day period for the charter district's response, the SBOE shall conduct a hearing and determine whether the district charter shall be terminated.

The SBOE may terminate the charter for a local charter school for any reason provided in O.C.G.A. § 20-2-2068(a)(2), after providing reasonable notice and an opportunity for a hearing. Nothing contained herein shall prevent the SBOE from proposing an amendment to the district charter to address the concerns raised by the request for termination.

In cases where the health, safety, or welfare of students or staff of a charter school is in danger or where the charter school has experienced financial irregularities, any party to the charter or the SBOE may make an emergency termination request. The SBOE, through a regular or called meeting, may temporarily suspend the operations of the charter school until a termination hearing can be conducted. Depending on the nature of the danger or financial irregularity, the SBOE may request the local board(s) to assign the charter school students to another public school or overtake operations of the charter school.

Upon termination of the charter for a local charter school all assets and unencumbered funds of the terminated local charter school remaining after liabilities have been satisfied shall revert to the local board(s). Upon termination or closing of a charter school, DeKalb County Schools shall also notify affected charter school students and parents of the charter school closing and their other public school choice options no later than one week after the charter terminates.

DeKalb County Schools

Date Adopted: 1/12/2004

Last Revised: 12/14/2011

State Code	Description
O.C.G.A. 20-02-2062	Charter Schools Act of 1998-Definitions
O.C.G.A. 20-02-2063	Petition to establish a charter school
O.C.G.A. 20-02-2064	Approval or denial of petition

- O.C.G.A. 20-02-2065 [Charter schools; requirements for operating; control and management](#)
- O.C.G.A. 20-02-2066 [Charter schools; admission, enrollment, and withdrawal of students](#)
- O.C.G.A. 20-02-2067 [Charter schools; reprisals by local boards or school system employees prohibited](#)
- O.C.G.A. 20-02-2067.1 [Amendment of terms of charter for charter school; initial term of charter; annual report](#)
- O.C.G.A. 20-02-2068 [Termination of a charter](#)
- O.C.G.A. 20-02-2068.1 [Quality basic education formula applies; grants, local tax revenue, and funds from local bonds](#)
- O.C.G.A. 20-02-2068.2 [Facilities fund for charter schools; purposes for which funds may be used; upkeep of charter school property; receipt of surplus from b.o.e.](#)
- O.C.G.A. 20-02-2069 [Responsibilities of State Department of Education Office of Charter School Compliance](#)
- O.C.G.A. 20-02-2070 [S.B.O.E. deadline for reporting to General Assembly the status of the charter school program](#)
- O.C.G.A. 20-02-2063.1 [Charter Systems - Charter Advisory Committee established; members; duties](#)
- O.C.G.A. 20-02-2063.2 [Charter Systems](#)
- O.C.G.A. 20-02-2064.1 [Charter Systems - Review of charter by state board; charters for state chartered special schools](#)
- O.C.G.A. 20-02-2085 [Charter School petition requirements](#)
- O.C.G.A. 20-02-2086 [Petition from existing charter schools](#)
- O.C.G.A. 20-02-2087 [Charter Schools access to information](#)
- O.C.G.A. 20-02-2088 [Charter School annual report](#)
- O.C.G.A. 20-02-2089 [Charter Schools financial responsibility](#)
- O.C.G.A. 20-02-2090 [Charter School funding](#)
- O.C.G.A. 20-02-2091 [Charter School collaborative efforts](#)
- O.C.G.A. 20-02-2092 [Charter School Promulgation of rules and regulations](#)
- O.C.G.A. 48-08-0144 [Local charter schools and state chartered special schools as capital outlay project](#)
- O.C.G.A. 20-02-0084.1 [Loss of governance for nonperforming schools](#)
- O.C.G.A. 20-02-0880 [Plan for public school teachers; definitions](#)
- O.C.G.A. 20-02-0910 [Plan for public school employees; definitions](#)
- O.C.G.A. 20-02-0084.5 [Applicability to charter systems](#)
- O.C.G.A. 20-02-2080 [Charter School Legislative findings](#)
- O.C.G.A. 20-02-2081 [Charter School definitions](#)
- O.C.G.A. 20-02-2082 [Georgia Charter Schools Commission](#)
- O.C.G.A. 20-02-2083 [Charter Schools Commission; powers and duties](#)
- O.C.G.A. 20-02-2084 [Charter School; application for cosponsorship](#)
- O.C.G.A. 20-02-0211.1 [Clearance certificates issued by the Professional Standards Commission relating to fingerprint and criminal background checks](#)
- O.C.G.A. 20-02-0165.1 [Charter system earnings for each full-time equivalent student; use of funds](#)
- O.C.G.A. 20-02-2071 [Validity of charters in effect on July 1, 1998](#)
- Rule 160-4-7-.02 [Free Appropriate Public Education \(FAPE\)](#)

Rule 160-4-9-.04	Charter Schools Definitions
Rule 160-4-9-.05	Charter Schools Petition Process
Rule 160-4-9-.06	Charter Authorizers, Financing and Management

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.