

160-4-9-.06 CHARTER AUTHORIZERS, FINANCING, MANAGEMENT, AND GOVERNANCE TRAINING.

(1) RESPONSIBILITIES OF CHARTER AUTHORIZERS.

(a) Local school boards shall control and manage local charter schools, pursuant to O.C.G.A. § 20-2-2065(b)(2). This control and management shall include the pre-charter and post-charter responsibilities outlined in the Charter Authorizers, Financing, Management, and Governance Training Guidelines.

(b) The State Board of Education shall have authority to promulgate rules, regulations, policies, and procedures pursuant to O.C.G.A. § 20-2-2063. The State Board of Education shall also have the responsibilities outlined in the Charter Authorizers, Financing, Management, and Governance Training Guidelines.

(c) The State Board of Education shall review and may overrule the approval or renewal of a state charter school by the State Charter Schools Commission (“the SCSC”) within 60 days of such decision by the SCSC and upon a majority vote of the members of the State Board of Education.

(d) ANNUAL REPORTING.

1. Each authorizer that oversees a charter school or has received a charter petition shall submit to the State Board of Education and post on its website an annual report as outlined in the Charter Authorizer, Financing, Management, and Governance Training Guidelines.

(2) CHARTER SCHOOL FUNDING.

(a) Locally approved charter schools shall receive required federal, state and local funds pursuant to O.C.G.A. § 20-2-2068.1.

(b) Charter schools shall receive all funding from the Georgia Department of Education (the Department) through the designated fiscal agent. For local charter schools, the LEA in which the charter school is physically located or the local board stipulated in the charter, shall serve as the fiscal agent pursuant to O.C.G.A. § 20-2-2068.1. For state charter schools, the school shall serve as its own fiscal agent.

(c) In each year in which charter school facilities funds are appropriated by the General Assembly pursuant to O.C.G.A. § 20-2-2068.2, the State Board of Education shall allocate the funds among eligible charter schools as outlined in the Charter Authorizers, Financing, Management, and Governance Training Guidelines.

(d) In each year in which charter school capital financing funds are appropriated by the General Assembly pursuant to O.C.G.A. § 20-2-2095 *et. seq.*, the State Board of Education shall establish a grant program in the form of matching funds for qualified charter school contributions, pursuant to the Charter Authorizers, Financing, Management, and Governance Training

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Guidelines.

(e) All charter school grants shall be administered according to the procedures outlined in the Charter Authorizers, Financing, Management, and Governance Training Guidelines.

(f) If a local charter is nonrenewed or is terminated, the nonprofit governing board shall be responsible for all outstanding debts of that school. The State Board of Education shall not be liable for any debts of the school in the event that the charter is not renewed or is terminated. A local school system shall not assume the debt from any contract for services made between the governing body of the charter school and a third party, unless otherwise agreed in writing.

(3) MANAGEMENT OF CHARTER CONTRACTS.

(a) EXECUTION OF CHARTER CONTRACTS.

1. Approved nonprofit governing boards for charter schools or local board of education for charter systems shall return a fully executed charter contract to the Department within sixty (60) days of receipt.

(b) CHARTER TRAINING.

1. At the authorizer's discretion, charter schools and systems may be required to attend any training that the authorizer deems necessary and proper for the successful operation of the charter school or system.

(c) CHARTER AMENDMENTS.

1. Pursuant to O.C.G.A. § 20-2-2067.1, the terms of a charter for a local charter school may be amended during the charter term upon the approval of the nonprofit governing board, the local board(s), and the State Board of Education.

2. The system charter may be amended upon the approval of the local board of education and the State Board of Education.

3. Amendment requests submitted to the State Board of Education must meet all applicable requirements and related timelines as outlined in the Charter Authorizers, Financing, Management, and Governance Training Guidelines.

(d) PROBATIONARY STATUS.

1. The Department may place a charter school or charter system on probation if it has reason to believe that any of the following have occurred or is imminent:

i. A failure to comply with any recommendation or direction of the State Board of Education with respect to Code section 20-14-41;

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- ii. A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;
 - iii. A failure to meet generally accepted government accounting standards;
 - iv. A violation of applicable federal, state, or local laws or court orders;
 - v. The existence of substantial evidence that the continued operation of the charter school or charter system could be contrary to the best interest of the students or the community; or
 - vi. A failure to comply with any provisions of Code Section 20-2-2065;
 - vii. For charter schools, the governing board has demonstrated an inability to provide effective leadership to oversee the operation of the charter school;
 - viii. For charter systems, the local board of education has demonstrated an inability to provide effective leadership to oversee the operation of the charter system; and
 - ix. Any other reason that would lead to the eventual termination of the charter if not resolved.
2. In the event that a charter school or charter system is placed on probation, the following shall apply:
- i. The Department shall provide written notice to the charter school or charter system of the reasons for such placement, not later than five days after the placement;
 - ii. Not later than 30 days after the date of such placement, the charter school or charter system shall file with the Department a corrective action plan that addresses the reasons outlined for the probation and a timeline for remedying those issues;
 - iii. The Department may approve the corrective action plan as submitted or impose any additional terms of probation on the school or system that it deems necessary;
 - iv. The charter school or charter system shall implement the Department-approved corrective action plan within the approved timeframe;
 - v. During the term of probation, the Department may require the school or system to file interim reports concerning any matter deemed relevant to the probationary status of the school or system, including financial reports or statements;
 - vi. The Department may amend the length of the probation based on the status of the interim reports.

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3. A charter school or charter system may be taken off probation upon fulfilling the terms of its corrective action plan and upon the Department's determination that the conditions which precipitated the probation no longer exist and that no new conditions exist which would necessitate probationary status.

4. In the event that the charter school or charter system does not file or implement the approved corrective action plan within the required time period, or does not comply with the terms within the required time period, the State Board of Education or local board(s), as applicable, may move to terminate the charter.

5. No charter school on probation may increase its student enrollment or engage in the recruitment of new students without the consent of the Department.

(e) TERMINATION OF A CHARTER.

(1) Pursuant to O.C.G.A. § 20-2-2068, the State Board of Education may terminate the charter for a local charter school if such action is requested by a majority of the parents or guardians of students enrolled at the charter school, a majority of faculty and instructional staff employed at the charter school, or the local board(s). The State Board of Education may terminate the charter for a local charter school for any reason provided in O.C.G.A. § 20-2-2068(a)(2) by providing a 30 day notice to the school's governing board and providing an opportunity for a hearing, consistent with due process.

(2) The State Board of Education may terminate a charter without a hearing if the other parties to the contract fail to request a hearing or agree to waive their right to a hearing.

(3) 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 State Board of Education may make an emergency termination request. The State Board of Education, 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 State Board of Education may request that the local board(s) assign the charter school students to another public school or take over operations of the charter school.

(4) Upon termination of the charter for a local charter school all assets of the terminated charter school purchased using state or federal grant funds, and all unencumbered state or federal grant funds awarded by the State Board of Education, shall revert to the local district and shall not be used by the school or its nonprofit governing board to satisfy liabilities.

(5) Upon termination of the charter for a state charter schools, all assets of the terminated charter school remaining after liabilities have been satisfied shall revert to the SCSC for redistribution to other charter schools. This excludes assets purchased with or unencumbered funds derived from state or federal grants awarded by the State Board of Education, which shall revert to the Department and shall not be used by the school or its nonprofit governing board to

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satisfy liabilities.

(6) Once a decision is made to terminate or nonrenew a charter, the charter school and the local board(s) shall notify affected charter school students and parents/guardians of the impending charter school closing and their public school choice options no later than one week after the decision is made to terminate or nonrenew the charter.

(4) GOVERNING BOARD TRAINING.

(a) Pursuant to O.C.G.A. § 20-2-2072, the members of the governing board of each charter school shall participate in initial training for boards of newly approved local charter schools and annual training thereafter. Such training must adhere to (c) of this section. However, for charter schools that are college and career academies, the State Board of Education shall approve a separate training program in conjunction with the Technical College System of Georgia.

(b) The State Board of Education shall adopt a model code of ethics for members of charter school governing boards. Such model code of ethics shall also include appropriate consequences for violation of a provision or provisions of such code. The State Board of Education may periodically adopt revisions to such model code as it deems necessary.

1. Within three months of adoption by the State Board of Education of a model code of ethics pursuant to subsection (4)(b) of this rule, each charter school governing board shall adopt a code of ethics that includes, at a minimum, such model code of ethics. Each charter school governing board shall incorporate into its code of ethics any revisions adopted by the State Board of Education to the model code of ethics pursuant to (4)(c) of this rule within three months of adoption of such revisions. Each charter school governing board member shall sign the adopted Code of Ethics.

(c) The State Board of Education shall adopt a training program for members of charter school governing boards. The State Board of Education may periodically adopt revisions to such training program as it deems necessary.

1. Within three months of adoption by the State Board of Education of a training program pursuant to paragraph (4)(c) of this rule, each charter school governing board shall adopt a training program for members of such boards that includes, at a minimum, such training program and requirements established by the State Board of Education pursuant to paragraph (4)(c) of this rule. Each charter school governing board shall incorporate any revisions adopted by the State Board of Education to the training program within three months of adoption of such revisions.

2. Each charter school governing board shall adopt its training program and any revisions thereto at a regularly scheduled meeting.

(d) No person shall be eligible to serve on a charter school governing board unless he or she:

1. Has read and understands, as shown by signing, the code of ethics and the conflict of interest provisions applicable to members of a charter school governing board; and

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2. Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of charter school governing boards, the code of ethics of the charter school governing board, and the conflict of interest provisions applicable to members of the charter school governing board. Such disclosures shall be included in the charter school's annual report to the Department.

3. Charter School Governing Boards shall refer to the Department's website for additional guidance on Charter Schools Governance Training Standards, a model code of ethics, and a model conflict of interest policy.

4. State charter schools shall not be subject to requirements of this paragraph, but shall adhere to the training and eligibility requirements of O.C.G.A. § 20-2-2084 and rules of the SCSC.

Authority O.C.G.A §§ 14-3-101, 20-2-880, 20-2-910, 20-2-1185, 20-2-2061, 20-2-2062, 20-2-2063, 20-2-2063.1, 20-2-2063.2, 20-2-2064, 20-2-2064.1, 20-2-2065, 20-2-2066, 20-2-2067, 20-2-2067.1, 20-2-2068, 20-2-2068.1, 20-2-2068.2, 20-2-2069, 20-2-2070, 20-2-2071, 20-2-2080, 20-2-2081, 20-2-2082, 20-2-2083, 20-2-2085, 20-2-2086, 20-2-2088, 20-2-2090, 20-2-2091, 20-2-2092, 20-2-2095.1, 20-2-2095.2, 20-2-2095.3, 20-2-2095.4, 20-2-2095.5, 20-14-30 through 20-14-41, 20-2-204, 20-2-161, 20-2-164, 50-14-1, 50-13-13, 50-18-70.

Last Adopted: 11/6/2014