



***Dr. John D. Barge, State School Superintendent***  
***“Making Education Work for All Georgians”***

**Guidelines for the Charter Schools Petition Process**  
**(To accompany State Board of Education Rule 160-4-9.05)**

**Guidelines for the Charter Schools Petition Process**

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**Document Version History**

Version Number	Date Approved by State Board of Education	Description
Version 1	9/8/2011	last adopted 9/8/2011
Version 2	TBD	draft document following initial release

## **Guidelines for the Charter Schools Petition Process**

### **Introduction**

This Guidelines document is incorporated by explicit reference into Georgia State Board of Education Rule 160-4-9-.05 CHARTER SCHOOLS PETITION PROCESS. The contents of this document are considered to have the same effect and requirement as any rule promulgated by the Georgia State Board of Education. Any future substantive revision to this document will require approval by the Georgia State Board of Education.

This document sets forth a list of criteria which charter school petitioners must follow when submitting petition applications to the Georgia State Board of Education.

Inquiries concerning this Guidelines document should be directed to the Charter Schools Division at the Georgia Department of Education.

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### **Part 1: Charter Petition Process.**

**(1) LETTERS OF INTENT.** All applicants, including renewal applicants, who intend to submit a charter petition for local board of education (“local board”) consideration, shall use the Department’s template to submit a letter of intent to the appropriate local board(s) at least six (6) months prior to the date on which the petition will be submitted to the Department. Petitioners should consult the Charter Schools Division website and consult with the applicable local school district(s) for timelines and requirements. Failure to submit a letter of intent shall not preclude an applicant from submitting a petition provided the applicant requests and receives a waiver for the letter of intent from both the Department and local district(s).

### **(2) CHARTER PETITION SUBMISSIONS TO LOCAL BOARDS.**

(a) Pursuant to O.C.G.A. § 20-2-2064(a) and (b), a local board must, by a majority vote, approve or deny a petition no later than ninety (90) days after its submission, unless the petitioner offers an extension and the local board accepts the offer.

(b) If the local board denies a petition, it must, within sixty (60) days of the denial, provide a written statement of denial to the petitioner and to the State Board of Education. A written statement of denial shall specifically state the reasons for denial and include a list of the deficiencies in the petition relevant to O.C.G.A. § 20-2-2063. If the local board cites that approval is not in the public interest, the written statement of denial shall include a detailed description of why approval is not in the public interest.

(c) 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.

(d) If a local board denies a petition, the local board or the petitioner may request mediation by submitting a written request to the State Board of Education within 30 days of the final denial. If the other party agrees to the mediation, the State Board of Education, or Charter Advisory Committee if directed by the State Board of Education to do so, may assign a mediator to be paid by the Department but reimbursed equally by the local board and the petitioner to assist in resolving issues which led to the denial of the petition by the local board.

(e) If a local board approves a petition, within thirty (30) days of the approval, the petitioner must deliver the approved petition to the Department for review by the State Board of Education. The petition shall be in accordance with all Department requirements, including those related to formatting, as described in these guidelines, on the Charter Schools Division website and within

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the relevant charter school application. The local board, within 30 days, shall deliver a copy of the petition they approved to the Department.

### **(3) CHARTER PETITION SUBMISSIONS TO THE DEPARTMENT OF EDUCATION.**

(a) Petitioners should consult the Charter Schools Division website for applicable timelines and requirements. Failure to comply with timelines or requirements may delay or prohibit consideration of the petition until the following school year's petition cycle.

(b) The Department reserves the right to reject incomplete charter petition submissions.

(c) The Department staff shall first review petitions to determine if they are complete and meet the legal requirements for submission, not so as to require approval but so as to allow further review.

(d) If a charter petition is deemed to be deficient, the petition shall be rejected and the petitioner notified of the reasons for that rejection.

(e) Those petitioners who have submitted a petition that is deemed to be complete and to meet the legal requirements for submission, 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. The goal of the interview is to gauge the petitioner's overall capacity to sustain operations of a high-quality charter school with regard to academics, operations, governance, finance, and compliance with all non-waivable law, rules, and guidelines.

### **Part 2: Charter Petition Applications Requirements for all Charter Applicants.**

**ALL PETITIONS.** All charter school petition applications, including applications for renewal, shall meet the following minimum requirements pursuant to O.C.G.A. § 20-2-2063. Additionally, Charter school petition applications shall meet all formatting requirements enumerated in the application.

**(1) STATEMENT OF INTENT.** A description of how the proposed charter school promotes the legislative intent of the charter schools program to “increase student achievement through academic and organizational innovation,” in accordance with O.C.G.A. § 20-2-2061.

**(2) STATEMENT OF GOALS AND OBJECTIVES.** A list and detailed description of the petitioner's specific performance-based goals and measurable objectives. At a minimum the list

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shall include goals and objectives that are aligned with state and federal assessment standards, measurable on at least an annual basis, attainable, and reflective of 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 or exceed the specific performance and measurable objectives as defined in the charter contract may result in charter termination.

**(3) DESCRIPTION OF INTENDED USE OF WAIVERS.** A description of how the school shall utilize its broad flexibility from laws, rules, and regulations as permitted by O.C.G.A. § 20-2-2065(a).

The petition shall include illustrative examples of how the charter school will implement the flexibility granted by the broad flexibility waiver to meet or exceed the performance-based goals and to increase student achievement. Petitions shall explicitly describe what the increased flexibility will allow the petitioner to accomplish during the course of the charter term.

**(4) PARENTAL AND COMMUNITY INVOLVEMENT.** A description of how parents, members of the community, and other interested parties contributed to the development of the petition and how petitioner intends to secure their ongoing involvement in the school and in what capacity.

**(5) DESCRIPTION OF THE EDUCATIONAL PROGRAM.** A description of the following components of the school's educational program, including an explanation of how these components shall contribute to the achievement of the performance-based goals and measurable objectives:

- (a) The school's mission;
- (b) The ages and grades to be included;
- (c) The focus of the curriculum;
- (d) Instructional methods to be used, including any distinctive or unique instructional techniques or educational programs to be employed;
- (e) For students with disabilities, a description of how the school shall provide state and federally-mandated services and comply with all special education laws, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, and the IDEA;

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(f) For English Language Learners, a description of how the school shall provide state and federally-mandated services;

(g) A description of how the school intends to meet the needs of students identified as gifted and talented;

(h) A description of how the school shall provide supplemental educational services as required by federal law and pursuant to State Board of Education Rule 160-4-5-.03. Supplemental Educational Services in Title I Schools, and a description of how the school shall provide remediation in required cases pursuant to State Board of Education Rule 160-4-5-.01. Remedial Education; and

(i) The school's proposed annual calendar and a draft daily school schedule for a typical week.

**(6) DESCRIPTION OF ASSESSMENT METHODS.** A description of the school's student assessment plan, including the following components:

(a) A statement detailing how the school shall comply with the accountability provisions of O.C.G.A. § 20-14-30 through § 20-14-41 and federal accountability requirements, including the manner in which the school shall work with the authorizer(s) to participate in statewide assessments.

(b) A plan to obtain student performance data for each student, which shall include how the current baseline standard of achievement shall be determined in order to meet the petition's performance-based goals and measurable objectives. The data may include standardized assessment results from previous school years. For the charter school's first year, baseline student achievement data shall be collected within three months from the first day of school.

(c) A plan to address how assessments shall measure improvement and over what period of time.

(d) The school's plan for using assessment data to monitor and improve achievement for all students.

(e) For charter high schools, a description of the method for determining that a student has satisfied the requirements for high school graduation as defined in SBOE Rule 160-4-2-.48 High School Graduation Requirements for Students Enrolling in the Ninth Grade for the First Time in the 2008-09 School Year and Subsequent Years.

**(7) DESCRIPTION OF SCHOOL OPERATIONS.** A description of the school's operations and management plan, including the following components:



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- (a) The proposed duration of the charter, pursuant to O.C.G.A. § 20-2-2067.1(b).
- (b) The proposed attendance zone for the school, pursuant to O.C.G.A. § 20-2-2062(1.1).
- (c) A description of all rules and procedures that shall govern the admission of students to the charter school, including:
  - (d) A statement detailing whether the charter school shall utilize any enrollment priorities pursuant to O.C.G.A. § 20-2-2066(a) and (b), and if so, their rank order.
  - (e) If applicable, a copy of the proposed admissions application or a description of the application that demonstrates that the application conforms to the requirements of rule and law, including the requirement that charter schools have open enrollment.
  - (f) A copy of the policy setting annual enrollment, re-enrollment and lottery deadlines including a description of the lottery procedures detailing how enrollment preferences will be applied and an assurance of complete transparency in its procedures. Complete transparency shall include, at a minimum, publishing the lottery date, time, place and lottery procedures at least two weeks in advance on the school's website.
  - (g) Rules and procedures concerning student discipline and dismissal, including the code of conduct and student due process procedures.
  - (h) Rules and procedures concerning how the school will handle grievances and complaints from students, parents, and teachers.
  - (i) The manner in which the school shall be insured, the terms and conditions thereof, and the amounts of coverage.
  - (j) A description of the employment procedures and policies of the school. The description of employment procedures and policies shall include, at a minimum, the following:
    - 1. An assurance that all teachers of core academic subjects will either be certified or Highly-Qualified.
    - 2. The charter school's procedures to ensure compliance with the requirement that the school shall not allow any faculty contact with students without having annual documentation of a successful background check as well as the charter school's policies and procedures that establish the requirement that staff must immediately disclose to the school the occurrence of any arrests or other such occurrences which would have resulted in an unsuccessful background check if they had occurred prior to the background check.

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(k) A description of the facilities to be used, their location(s), and any pending modifications necessary for utilization for educational purposes. The description must include the following components:

1. Description, including documentation, of steps petitioner has taken relevant to the Department's facilities review process.
2. A Certificate of Occupancy must be obtained prior to student occupancy of the proposed facility. The latest possible date by which the Certificate of Occupancy shall be obtained must be included in the charter petition.
3. The school's emergency safety plan, which may be a statement that the petitioner will prepare a safety plan in accordance with O.C.G.A. § 20-2-1185 and submit and obtain approval from the Georgia Emergency Management Agency by a specified date.
4. A statement that any future facility used to house students will be subject to approval by the local board and the Department prior to occupancy.
5. Documentation of ownership or a copy of the lease of the facility. If the facility has not been obtained or the documentation is not available at the time the petition is submitted, the petitioner shall provide a timeline for obtaining such facilities or providing such documentation and shall provide such documentation to the Department as soon as it is available. This does not apply to conversion charter schools.

(l) A statement describing whether the building is new or existing. In the case of a locally approved charter school, building plans must be approved by the facilities department of the local board. For all other charter schools, building plans only need to be approved by the Department.

(m) The manner in which the school's enrollment count will be determined for purposes of calculating charter school funding, pursuant to O.C.G.A. § 20-2-2068.1(c) or § 20-2-2090(d), as appropriate.

**(8) DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS.** A description of the school's financial structure, including the following components:

(a) Designation of a chief financial officer possessing the following credentials:

1. A baccalaureate or higher degree in business, accounting, or finance from an accredited college or university and a minimum of four years experience in a field related to business or finance; or

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2. Documented experience of ten or more years in the field of business and financial management.

(b) A statement that the school shall be subject to an annual financial audit conducted by an independent Georgia licensed Certified Public Accountant, in accordance with O.C.G.A. § 20-2--2065(b)(7). The financial reporting format shall comply with generally accepted government auditing standards (GAGAS).

(c) A statement indicating whether the school shall utilize the local school board for fiscal management or other services; and, if so, specifics regarding what level of autonomy the school shall have over budgets and expenditures and/or any other area for which the school has contracted with the local board to provide services.

(d) A statement that the school shall comply with federal monitoring required for schools that receive federal funds.

(e) A statement from the applicable local school system guaranteeing that the base per-pupil amount at which it will fund the charter school is the amount identified in the locally approved petition budget as long as the school system receives the state and local revenues upon which the approved school budget is based.

**(9) DESCRIPTION OF GOVERNANCE STRUCTURE.** A description of the school's governance structure, including the following components:

(a) A description of how the charter school shall be governed.

(b) A statement that the governing board shall be subject to the provisions of O.C.G.A. § 50-14-1 *et seq.* (Open Meetings Act) and O.C.G.A. § 50-18-70 *et seq.* (Open Records Act)

(c) A statement that the governing board shall be subject to the oversight of the local board.

(d) A statement regarding the governing board's function, duties, composition, how and when members shall be selected, how long members shall serve, how members may be removed from office, how members shall avoid conflicts of interests and an assurance that the Governing Board will comply with all laws and State Board of Education rules and guidelines related to Charter School Governing Board training. Members of the local board and the superintendent of the local school system are prohibited from serving on the charter school's governing board, unless otherwise stipulated by the Department. The charter school principal may serve only as an ex officio member of the charter school governing board.

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(e) A description of how parents, members of the community, and other interested parties will be involved in the governing board of the school.

(f) A list of proposed business arrangements or partnerships with existing schools, educational programs, businesses, or nonprofit organizations and a disclosure of any potential conflicts of interest. This includes a copy of any intended contracts for the provision of educational management services or the provision of supplemental educational services and remediation, and any agreements with other local schools for the charter school students' participation in extracurricular activities such as interscholastic sports and clubs.

(g) A description of the method that the local board and the charter school plan to utilize for resolving conflicts with each other.

(h) Evidence that the locally approved charter school has been incorporated as a Georgia nonprofit corporation pursuant to the Georgia Nonprofit Corporation Code, O.C.G.A. § 14-3-101 *et seq.*, as required by O.C.G.A. § 20-2-2065(b)(4). This evidence shall include an official copy of the certificate of incorporation from the Georgia Secretary of State and a copy of the by-laws for the Georgia nonprofit corporation. By-laws must specify the duties of governing boards' members with particularity. This requirement shall apply to both start-up and conversion charter schools.

**(10) STATEMENT ON ANNUAL REPORT.** A statement that the charter school shall provide an annual report to the Department, the local board of education, and parents and guardians of students enrolled in the school by October 1 of each year, in accordance O.C.G.A. § 20-2-2067.1(c) and that such report shall conform to the template provided by the Department.

**Part 2a: Additional Petition Requirements for Conversion Applicants Only**  
**CONVERSION CHARTER PETITIONS.** In addition to the requirements of Part 2 of these guidelines, all conversion charter school petitions shall include the following components:

(1) A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

(a) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

(b) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school

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although parents of students at the school who are eligible to vote as faculty or instructional staff shall also have a single vote in the vote required pursuant to O.C.G.A. §20-2-2064(a)(1)(B) .

(2) A statement detailing the innovations that shall materially distinguish the conversion charter from the school's pre-conversion model and that require the flexibility offered through the charter model.

(3) A statement detailing the conversion charter's plan to operate autonomously. This statement shall include a description of how financial resources will be managed, how human resources will be managed, how personnel will be evaluated; and a description of school governance and the extent to which parents, community members, and other stakeholders will participate in the governance of the school. The petition shall describe all policies, procedures, and practices that will materially distinguish the conversion school from the school's pre-conversion model.

(4) A statement from the applicable local school system detailing the district's plan to ensure the conversion charter school will operate autonomously, and how the district will ensure its effective support of the charter school, including what, if any, changes it will make to its central office to ensure that the charter school is properly supported and operates autonomously.

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**Part 2b: Charter Petition Requirements for State Chartered Special School Applicants**  
STATE CHARTERED SPECIAL SCHOOL PETITIONS. In addition to the petition submitted in accordance with Part 2 of this guideline and identical to the petition submitted to the local board(s), all state chartered special schools shall also submit to the Department:

(1) A statement regarding whether the school intends to request from the Department a local referendum pursuant to O.C.G.A. § 20-2-2068.1(e) and, if so, the timeline for pursuing such a request.

(2) A copy of the local board's written, specific reasons for denial of the charter petition and a written response to the local board's reasons for denial.

(3) Any supplemental documentation the Department may require for review and evaluation of the application.

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### **Part 2c: Charter Petition Requirements for Jointly Authorized Applicants**

**JOINTLY AUTHORIZED CHARTER PETITIONS.** Two or more local boards may jointly authorize a local charter school pursuant to O.C.G.A. § 20-2-2063(c).

(1) The local boards may authorize the charter school by one of the following methods:

(a) Each local board shall approve the charter petition before it is submitted to the State Board of Education; or

(b) One local board shall submit the petition and enter into an interagency agreement with the other local board(s). Such interagency agreement must specify how local revenues shall be allocated to the charter school. The agreement shall become an attachment to the jointly authorized charter petition.

(2) The Department will calculate student accountability for jointly authorized charter schools and for the authorizing districts, in accordance with the Single Statewide Accountability System.

(3) Petitions involving two or more local boards shall follow the same requirements as other charter petitions, as outlined in Part 2 above, and shall also include the following components:

(a) A statement specifying which entity shall be the fiscal agent for the jointly authorized charter school.

(b) A statement from the applicable local systems guaranteeing that the base per-pupil amount at which it will fund the charter school is the amount identified in the locally approved petition budget as long as the school system receives the state and local revenues upon which the approved school budget is based.

(c) An agreement detailing the involvement and responsibilities of each local board regarding the jointly authorized charter school.

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### **Part 2d: Charter Petition Requirements for Charter High School Cluster Applicants**

**CHARTER HIGH SCHOOL CLUSTER PETITIONS.** A high school and all the middle and elementary schools whose students matriculate to that high school may act as a single charter petitioner to convert to charter school status pursuant to O.C.G.A. § 20-2-2063(b). The charter high school cluster petition may include new and existing start-up charter schools, conversion charter schools, and renewals thereof. A charter high school cluster petition must address petition requirements for each school as described in Part 2a above, as applicable. A high school cluster must be governed by a nonprofit charter school governing board. In addition, the petition must include the following components:

(1) A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

(a) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

(b) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school.

(2) A statement detailing the rationale for petitioning as a high school cluster, such as innovations that will materially distinguish the charter cluster from the cluster's pre-conversion model and that require the flexibility offered through the charter model.

(3) A description of how the charter high school cluster as a whole shall be held accountable for performance goals stated in the charter.

Last Adopted: 11/6/2014