

PROPOSED REGULATION

IBB-R: DCSD Charter School Regulation

The DeKalb County Board of Education seeks to authorize high quality charter schools with innovative, unique, and effective academic programs that align to the strategic priorities of the District in order to increase student performance and achievement. The DeKalb County School District will enforce clear expectations for its charter schools and hold them accountable to the terms of their charter contracts.

I. Basis for Charter Schools Policy & Regulation

- a. **Board Authority.** The Board, by the authority granted to it pursuant to O.C.G.A. 20-2-2060, et seq. and State Board Rule, shall consider complete charter petitions for approval that are submitted in accordance with the Charter Schools Act of Georgia, O.C.G.A. 20-2-2060, et seq.; State Board Rule 160-4-9-.05; the DeKalb Charter School Petition Guidelines; and this policy that have the demonstrated potential to increase student academic achievement through unique and innovative educational offerings and that are in the public interest.
- b. **Board as Authorizer.** The Board, as authorizer for the DeKalb County School District, has the authority to review charter petitions, decide whether to approve or deny charter petitions, enter into charter contracts with petitioners, oversee its locally approved charter schools, and to decide whether to renew, not renew or revoke charter contracts, pursuant to the Georgia Charter Schools Act and State Board Rule 160-4-9-.04(d).
- c. **Local Approval.** Only those charter schools approved by both the Board and the State Board may operate as locally approved charter schools considered a part of the DeKalb County School District local educational agency (“LEA”).
- d. **Board Control and Management.** All locally approved start-up charter schools, conversion charter schools, and high school charter clusters, are subject to the control and management of the Board, pursuant to O.C.G.A. 20-2-2065(b)(2).

II. Definitions

- a. **Board:** The DeKalb County Board of Education.
- b. **Charter:** A performance-based contract between a local board and a charter petitioner, the terms of which are approved by the local board and by the state board in the case of a local charter school.
- c. **Charter Attendance Zone:** All or any portion of the local school system in which the charter school is located and as designated within the charter contract.
- d. **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

PROPOSED REGULATION

educational institutions not established, operated, or governed by the State of Georgia, or existing private schools.

- e. **Charter School:** a public school that is operating under the terms of a charter.
- f. **Community.** The jurisdiction of the DeKalb County School District in its entirety.
- g. **Conversion Charter School:** a charter school that existed as a local school prior to becoming a charter school. The conversion charter school governing board must be incorporated as a non-profit organization under Georgia law.
- h. **District:** the DeKalb County School District.
- i. **Governing Board:** a school-level decision-making body at a charter school that is a party to the charter contract and is responsible for ensuring the implementation of and compliance with the contract.
- j. **High School Cluster** a high school and all of the middle and elementary schools which contain students who matriculate to such high school. The schools in a high school cluster may include charter schools, local schools, or a combination of both.
- k. **Petition:** a proposal to establish a charter school.
- l. **Request for Charter Proposal:** a district-issued request for charter petitions to address specific areas of need.
- m. **Start-up Charter School:** a charter school that did not exist as a local school prior to becoming a charter school.
- n. **State Board:** the State Board of Education.

III. Eligibility to Submit a Petition.

- a. **Timeframe.** Charter petitions must meet the requirements of the Charter Schools Act of Georgia; State Board Rule 160-4-9-.05; the State Board Charter Schools Petition Process Guidelines; DeKalb Charter School Petition Guidelines; and this policy in order to be considered for approval by the Board.
- b. **Charter Petitioners.** Charter petitioners may 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.
- c. **Current District Employees.** Pursuant to O.C.G.A. § 20-2-2067, the Board or District will not take any unlawful reprisal against an employee of the District because such employee is directly or indirectly involved with a petition to

PROPOSED REGULATION

establish a charter school. The employee must conduct these activities on personal time, away from the District, and may not commingle job duties and responsibilities or utilize District resources to create or file the petition. Furthermore, neither the Board nor District shall take any unlawful reprisal against any traditional public school because the school's administration, staff, and/or parent community pursue or consider pursuing conversion charter school status.

- d. **Petitions for Conversion Charter Schools and/or High School Clusters.** To be eligible for consideration by the Board, petitions proposing conversion charter status for a District public school or cluster of schools must demonstrate that a vote, conducted by secret ballot, of the faculty or instructional staff, and student parents or guardians, has been conducted pursuant to O.C.G.A. §20-2-2064, this policy, and corresponding guidance. If an individual could vote as faculty or instructional staff as well as a parent or guardian, the individual must pick only one class to vote in. In the case of high school cluster petitions, the petitioner must demonstrate that a vote was conducted at each school proposed to convert into the cluster, and the dates and times the polls were open. The final votes should be counted in the presence of a District representative.

IV. The DeKalb Charter Application Process.

- a. **Petition Cycle.** The Board shall consider petitions for each type of charter school (start-up, conversion, charter cluster, and renewal) for approval once each calendar year in accordance with state timelines, this policy, and the corresponding guidance. Petitions that are not timely submitted during the designated time frame for that type of petition will not be considered until the subsequent year's petition review cycle.
- b. **Letter of Intent.** The charter petitioner must submit a one-to-two page letter of intent to the District Charter Office in accordance with state timelines, this policy, and the DeKalb Charter School Petition Guidelines as a prerequisite for petition submission. The letter of intent shall include the vision, the mission, grades served, anticipated number of students to be served, and the intended start-date of the proposed charter school. Please also include the general area of the District that the charter petitioner would like to serve and the proposed school's innovative features to raise student achievement and performance.
- c. **Petition Pre-submission Process.** In order to raise the caliber of charter petitions received by the District, the District provides an informational session for petitioning groups prior to petition submission. Attendance is required in order to be eligible to submit a petition during that petition cycle. Participation in this session will afford charter petitioners a clear understanding of the District's charter petition process and expectations for high quality charter petitions.
- d. **Petition Review Process.** Timely submitted charter petitions shall be reviewed according to the Charter Schools Act of Georgia, State Board Rules and Guidance, and this policy and corresponding guidance.

PROPOSED REGULATION

- i. **Initial Review.** The District will convene a charter petition review committee to conduct the initial review of timely submitted charter petitions. The charter petition review committee will review the petition and shall determine whether:
 1. The petition is complete and contains all required components and appendices;
 2. The petition is legally compliant with federal and applicable state law, State Board Rules and Guidance, Policy IBB and corresponding guidance;
 3. The petition demonstrates unique, innovative, research-based, standards-driven learning opportunities and programming designed to increase student achievement that do not duplicate current District opportunities and programming;
 4. The petition's plan feasibly describes how the proposed school will meet and exceed the performance of comparable schools on significant school-wide measures and its students will exceed the performance of comparable students on significant student achievement measures; and
 5. The petition's proposed innovative curricular, instructional, and operational approaches cannot be accomplished without the benefit of the broad flexibility waiver from applicable state educational laws, State Board rules, and district policies and procedures granted pursuant to O.C.G.A. 20-2-2065(a).
- ii. **Incomplete Petitions.** After an initial review by the charter review committee, a charter petition that is determined to be incomplete, i.e., missing any required components or appendices, will be returned to the petitioner.
- iii. **Supplemental Information Requests.** Upon the initial review of the charter petition, the District Charter Office and/or the charter review committee may request that a charter petitioner supplement the original petition with additional information for clarification or make revisions to the petition to align the proposed charter school with applicable state laws, rules, district policies, and/or procedures.
- iv. **Capacity Interview and Clarification Meeting.** Representatives of the charter-petitioning group must attend a capacity interview and clarification meeting with the District Charter Office and select members of the charter review committee after submission of the petition. The purpose of the interview is to assess the capacity of the charter petitioner to create and operate a high quality charter school, while the purpose of the clarification meeting is to review the charter review committee's feedback, questions, concerns, and suggested revisions, if any, on the submitted petition. Three to five members of the charter petitioning group's founding board must attend and be sufficiently knowledgeable to discuss the contents of the

PROPOSED REGULATION

petition, proposed school design, and the community the proposed school seeks to serve in depth.

- v. **Recommendation to Approve or Deny.** After the District Charter Office and charter review committee conduct the initial review and examination of the charter petition, including the capacity interview and clarification meeting, their findings on the charter petition shall be provided to the Superintendent, who will then use them to formulate a recommendation to approve or deny the petition to present to the Board for their consideration.
- vi. **Charter Authorization.** The Board shall review the Superintendent's recommendation and related materials and shall by majority vote approve or deny a properly submitted petition within ninety (90) days after the petitioner's timely submission. The Board shall not approve a charter petition unless the petition meets all legal requirements, and the Board deems the petition to be in the public interest. The Board shall only approve charter terms for five (5) years in length.
- vii. **Public Interest.** When considering whether a proposed, or in the case of renewal, existing, charter school or cluster is in the public interest, the Board will determine whether the proposed school will more likely than not promote the welfare or well-being of students, staff, the community or the general public, including but not limited to, increased student achievement, financial stability, and positive school climate. To come to this conclusion, the Board will consider the following: 1) whether the curriculum, instruction and accountability programs set forth in the petition create an innovative, unique, and feasible plan to increase student achievement; 2) whether the petition's proposed programming duplicates existing District programs; 3) whether the proposed school can benefit the students in its intended location; 4) whether the proposed school would have negative consequences on students in its intended location or the greater community; 5) whether the charter petitioning group and/or Founding Board have demonstrated the capacity and fiscal knowledge and fiscal responsibility to create and operate a highly performing charter school; 6) whether the proposed school is designed to serve all students in its intended location; 7) whether the proposed school ensures equity of access for all students in its intended location; and 8) any other compelling information that demonstrates that the proposed school is or is not in the public interest of the community.
- viii. **Reasons for Denial.** If the Board votes to deny the petition, it will specifically state the reasons for denial and list the petition's deficiencies in a written statement provided to the charter petitioner and State Board within sixty (60) days of its decision to deny the petition.

PROPOSED REGULATION

V. The DeKalb Charter Renewal Application Process.

- a. **Renewal Petition Application Requirements.** Each locally approved charter school must submit a timely renewal petition that complies with the requirements in the Charter Schools Act of Georgia; State Board Rules 160-4-9-.04 and 160-4-9-.05; the State Board Charter Schools Petition Process Guidelines; DeKalb Charter School Petition Guidelines; and this policy in order to be considered for approval by the Board.

VI. Funding.

- a. **Funding for Locally Approved Charter Schools.** Funding for a charter school's instructional and administrative programs will comply with the Georgia Charter Schools Act, State Board Rules, and District policies.
- b. **3% Withhold Fee.** The District will withhold a 3% management fee from the total state and local funds earned by each of its locally approved charter schools to reimburse the District for administrative services and technical support provided to its charter schools.

VII. District Requirements for Charter Operations.

- a. **Funds.** Funds earned by charter schools, including grant and federal funds, must be spent in conformity with all applicable federal and state laws, rules, and district policies.
- b. **Audit.** Each locally approved charter school must hire an independent, qualified auditor to conduct an annual financial audit in accordance with generally accepted accounting procedures by October 1st and submit the audit report to the District Charter Office within ten (10) business days thereafter.
- c. **Access.** Each locally approved charter school must provide access to the charter school and/or its records to District personnel in order for the District to fulfill its legal obligations of control, oversight, and management of the charter school.
- d. **Conflict of Interest Policy.** Each locally approved charter school must enact and observe a rigorous conflict of interest policy in accordance with federal and state law.
- e. **Governance Requirements.**
 - i. **Non-profit status.** Locally approved charter schools, both conversion and start-up, must be operated by a governing board organized as a non-profit under Georgia law.
 - ii. **Annual Training.** Charter schools must provide initial training for newly approved charter school Governing Boards as well as annual governance training thereafter. Governance training should help build the capacity needed to make sound decisions for the management and operation of the charter school. Trainers must be selected from a State Board approved list.

PROPOSED REGULATION

- iii. **Capacity.** The charter petitioner, Founding Board, and Governing Board must demonstrate the capacity to operate a high quality charter school. If contracting with an education management organization to operate all or parts of the proposed charter school, the charter petitioner, Founding Board, or Governing Board must demonstrate the ability to operate at arms' length from this external organization.

- iv. **Relationship with Vendors and External Management Organizations.** Employees or members of any entity supplying services to the school and immediate relatives of such employees and members may not sit on the Governing Board of the charter school. The charter petitioner may not through any contract revoke its responsibility as a charter holder or otherwise limit its obligation to be subject to the management and control of the Board.

- f. **Assurances and Required Statements.** For a charter petition to be considered complete, a duly authorized representative of the charter petitioner must sign the DeKalb Assurances and Required Statements to be included with the submitted petition, which will assure the District and Board that the petitioner and proposed charter school will abide by all non-waivable legal requirements and certain required district policies and procedures. The District reserves the right to require its locally approved charter schools to sign updated Assurances and Required Statements as federal or state law or district policy changes, or as the District deems necessary.

- g. **Special Education.** Locally approved charter schools are considered a part of the DeKalb County School District LEA and are required to provide the same level and continuum of special education services that District traditional public schools provide.

- h. **Annual Report and Periodic Monitoring.** Each locally approved charter school within the District must submit the state-required annual report to both the Georgia Department of Education and the District Charter Office by the yearly due date. Additionally, charter schools may be required to submit periodic monitoring reports in accordance with this policy and its corresponding guidance as required by the District Charter Office which reflect on its operations, implementation of its mission and vision, and progress towards meeting the academic and operational performance objectives and goals as required by its charter contract.

- i. **Waiver.** Charter schools cannot waive any District policies, procedures, rules, guidelines, or guidance promulgated pursuant to the Board's authority to control, manage, and oversee its locally approved charter schools.

- j. **Grievance Policy.** Each locally approved charter school must have an established grievance policy. The District Charter Office and the charter school's staff and parent community should be notified at the beginning of the school year of the

PROPOSED REGULATION

charter school's grievance policy. Grievances that are reported to the District will be forwarded back to the charter school to be addressed, but will be monitored by the District. Failure to resolve parent or stakeholder complaints in a timely manner could result in an investigation of the school's practices with recommended sanctions, including but not limited to Notice of Potential Breach of Contract, non-renewal of charter, and/or recommendation for charter termination.

- k. **Notification Requirements.** Each locally approved charter school must provide written notice to the District Charter Office prior to making any significant alterations to the operations, organization, or management of the charter school as established by the current charter school petition and charter contract. Examples of such alterations include but are not limited to: grades served, attendance zone, governance structure, management structure, management partnerships, site location, mission statement, measurable targets, enrollment priorities, length of school day, or any other alteration that affects the fundamental academic and operational plan as approved by the Board and State Board. This written notice should be delivered at least two (2) months in advance prior to the implementation of the alteration and may require a charter term amendment.
 - i. **Financial Obligations.** If the charter school wishes to enter into an agreement to borrow funds in which the repayment period exceeds the current fiscal year, the charter school must notify the District Charter Office prior to entering the agreement and provide an amended budget reflecting the loan and repayment period that has been previously approved by the charter school governing board.
 - ii. **Amendment or Clarification.** Upon receipt of the written notice of the proposed alteration, the District may determine that such proposed alteration will require an amendment or an administrative clarification to the charter contract and will proceed according to the terms of this policy.

VIII. Charter Amendments and Administrative Clarifications.

- a. **Joint Determination.** Prior to submitting a charter amendment, the District and the Georgia Department of Education must jointly determine if a charter contract amendment is necessary or if a charter contract administrative clarification is appropriate.
 - i. Contract amendments must be agreed to and approved in public meetings by all parties (Charter School Governing Board, the DeKalb Board and the State Board) to the charter contract prior to implementation and must be included in all parties' official agenda and minutes.
 - ii. Administrative clarifications may be approved by the charter school Governing Board in a public meeting, and then approved by District staff and the Georgia Department of Education.

PROPOSED REGULATION

- b. **Legal Compliance.** To be considered for approval, any proposed amendment or administrative clarification must comply with and not circumvent the current Charter Schools Act of Georgia, applicable State Board Rules, the DeKalb Assurances and Required Statements, and any non-waivable District policies.
- c. **Timeframe for Submission.** The Board may accept amendments to charter contracts at any time through the year. The Board shall vote to approve or deny all properly submitted amendments within sixty (60) days of their submission to the Board unless an extension is granted to the petitioner. Approved amendments will be submitted to the state for consideration and follow the procedures and timelines established by the state.

IX. Notice of Breach of Charter Contract. In the event that it is determined by the Superintendent or the Superintendent's Designee that a charter school is in danger of or has breached charter contract terms, a "Notice of Breach of Charter Contract Terms" may be issued to a charter school Pursuant to O.C.G.A. § 20-2-2068(2) for the following reason(s):

- a. Failure to adhere to any term of the charter.
- b. Failure to meet academic performance goals set forth in the charter.
- c. Failure to demonstrate school level governance and organizational performance.
- d. Failure to adhere to generally accepted standards of fiscal management.
- e. Violation of applicable federal, state, or local laws, or court orders.
- f. Failure to operate in the public interest.

Upon written notification to the charter school of the breached charter contract terms, the charter school will be afforded a minimum of ten (10) business days to respond to the District with a plan of action and timeline documenting their efforts to remedy the identified breached charter contract terms. If the charter school fails to remedy the deficiencies, a recommendation may be made to the Board by the Superintendent to commence the charter contract termination process, pursuant to Board Policy IBB § X, below.

X. Basis for Termination and/or Non-Renewal of Charter Authorization.

- a. **Termination.** Pursuant to O.C.G.A. 20-2-2068(a)(3), the Board may request in writing that the State Board terminate a locally approved charter school if, after providing reasonable notice to the charter school and an opportunity for a hearing, the Board finds that:
 - i. A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;
 - ii. A failure to meet generally accepted standards of fiscal management;
 - iii. A violation of applicable federal, state, or local laws, rules, district procedures, policies, or court orders;

PROPOSED REGULATION

- iv. The existence of competent substantial evidence that the continued operation of the charter school or charter system would be contrary to the best interests of the students or the community;
 - v. A failure to comply with any provision of Code Section 20-2-2065; or
 - vi. A failure to comply with the terms of this policy and corresponding guidance or the DeKalb Assurances and Required Statements.
- b. **Non-Renewal.** Upon the review of the renewal petition for a locally approved charter school, the Superintendent may make a recommendation to the Board to deny the charter school's renewal based upon the findings of the charter review committee, the contents of the renewal petition, and the historical documented performance of the charter school. The Superintendent may recommend non-renewal according to the Charter Schools Act of Georgia, related State Board Rules and guidance, and this policy and corresponding guidance if it is determined that the charter school has met any of the grounds listed above for termination, grounds for denial of a petition, or if the charter school is no longer in the public interest.
- c. **Charter School Closure.** Upon termination or non-renewal of the charter for a locally approved charter school, all assets and unencumbered funds of the local charter school remaining after liabilities have been satisfied shall revert to the Board. The District shall also notify affected charter school students and parents of the charter school's non-renewal or termination and their other public school choice options no later than five (5) business days after the Board votes to non-renew or recommend termination by the State Board for the charter school.
- XI. District Services.** In addition to the basic administrative services provided by the District to its locally approved charter schools, the District may offer additional services that can be purchased by the charter school as negotiated in the terms of a separate agreement.