

CHARTER FOR BERRIEN ACADEMY PERFORMANCE LEARNING CENTER

This Charter for Berrien Academy Performance Learning Center ("Charter") is entered into by and between the Berrien County Collaborative, Inc. ("Petitioner"), the Berrien County Board of Education ("Local Board") and the State Board of Education ("State Board") (collectively referred to as "the parties").

WHEREAS, the Petitioner submitted a petition to the Local Board proposing to renew a start-up charter school pursuant to O.C.G.A. § 20-2-2060 *et seq.*, the Charter Schools Act of 1998 ("Charter Schools Act"), and the Local Board approved the petition;

WHEREAS, the State Board finds that the petition complies with the provisions of the Charter Schools Act, and the rules, regulations, policies and procedures promulgated in accordance with O.C.G.A. § 20-2-2063 and further finds that the petition is in the public interest; and

WHEREAS, pursuant to O.C.G.A. §20-2-2064.1, the State Board grants this Charter to permit Petitioner to operate Berrien Academy Performance Learning Center ("the Charter School") in accordance with the terms and conditions of this Charter.

NOW THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Charter Term. The State Board grants this Charter to Petitioner to operate the Charter School for a five-year term beginning on July 1, 2010, and expiring on June 30, 2015.
2. Grade Range. The Charter School shall serve students in grades 9 through 12.
3. Mission Statement. The mission of the Charter School is to achieve high levels of learning for all students in a safe and positive environment.
4. Essential Innovative Features. The Charter School shall implement interdisciplinary, project-based learning. In addition, the Charter School shall use technology for instruction, the Charter School shall limit classes to 15 students or less, and the Charter School shall implement an extended day program that allows students to make up time missed during the school day as well as receive tutoring and participate in enrichment programs.
5. Maximum Flexibility Allowed By Law. In exchange for the Charter School's agreement to meet or exceed the performance-based goals and measurable objectives set forth in Section 6 below, the State Board shall grant the maximum flexibility allowed by law to the Charter School. Pursuant to O.C.G.A. § 20-2-2065(a), the Charter School shall be entitled to the maximum flexibility allowed by state law from the provisions of Title 20 of the Official Code of Georgia Annotated and from any state or local rule, regulation, policy, or procedure established by the Local Board, State Board or the Georgia Department of Education ("Department").

Notwithstanding this maximum flexibility, the Charter School shall comply with the terms of this Charter, the Charter Schools Act, including the provisions set forth in Section 14 below, and any rules, regulations, policies, or procedures established by the State Board consistent with the Charter Schools Act.

6. Performance-based Goals and Measurable Objectives. In exchange for the flexibility granted in Section 5 above, the Charter School agrees to meet or exceed the following performance-based goals and measurable objectives that are designed to result in improvement of student achievement:

- a. Goal 1. The percentage of ~~Berrien Academy~~the Charter School's first time test takers of the Georgia High School graduation tests in English Language Arts, Math, Science, and Social Studies passing all four tests will increase by 5% per year from 45% in the baseline year of 2008-2009 to 75% in 2014-2015.
- b. Goal 2: The percentage of ~~Berrien Academy~~the Charter School test takers who will pass the four Georgia High School Graduation Tests in English/Language arts, math, science, and social studies will increase by significant percentages (8% in English/Language Arts, 4% in Math, 5% in both science and social studies) to reach 100% in English/language arts and math by the 2013-2014 academic year and 90% in science and 86% in social studies by the 2014-2015 academic year

| Year | English/ Language Arts | Math | Science | Social Studies |
|------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| | <u>Proposed Annual</u> 8% Increase | <u>Proposed Annual</u> 4% Increase | <u>Proposed Annual</u> 5% Increase | <u>Proposed Annual</u> 5% Increase |
| 2009 | 60 | 88 | 60 | 56 |
| 2010 | 68 | 91 | 65 | 61 |
| 2011 | 76 | 94 | 70 | 66 |
| 2012 | 84 | 97 | 75 | 71 |
| 2013 | 92 | 100 | 80 | 76 |
| 2014 | 100 | 100 | 85 | 81 |
| 2015 | 100 | 100 | 90 | 86 |

- c. Goal 3A: The percentage of ~~Berrien Academy~~the Charter School's first time test takers of the Georgia High School Writing Test who exceeds the standard will increase by 5% per year, from 0% in 2008-2009 to 30% in 2014-2015.
- d. Goal 3B: The percentage of ~~Berrien Academy~~the Charter School's first time test takers of the Georgia High School Writing Test who does not meet the standard will decrease by 3% per year from 40% in 2008-2009 to 22% in 2014-2015.

- e. Goal 4: The percentage of ~~Berrien Academy~~the Charter School's first time test takers of the Georgia High School ~~g~~Graduation ~~t~~Tests (in English Language Arts, Math, Science, and Social Studies) passing the domain in the area in which there is the largest gap between the school's percentage passing rate and the state's percentage passing rate will increase by 4% per year (from 63% to 87% in 2014-2015 for English Language Arts Domain: Literary Analysis; from 67% to 91% in 2014-2015 for Mathematics Domain: Measurement and Geometry; from 43% to 67% in 2014-2015 for Science Domain: Structure and Properties of Matter; and from 54% to 78% in 2014-2015 for Social Studies Domain: U S History Since 1865).
- f. Goal 5: The percentage of ~~Berrien Academy~~students meeting or exceeding on End of Course Tests in 9th Grade Literature, American Literature, Biology, Physical Science, U. S. History and Economics will increase by 10% each year (from 44% in 2008-2009 to 100% in 2014-2015 for 9th Grade Literature; from 64% in 2008-2009 to 100% in 2012-2013 for American Literature; from 33% in 2008-2009 to 93% in 2014-2015 for Biology; from 50% in 2008-2009 to 100% in 2013-2014 for Physical Science; from 44% in 2008-2009 to 100% in 2014-2015 for U.S. History; and from 40% in 2008-2009 to 100% in 2014-2015 for Economics. Baseline data will be established at the end of the 2009-2010 school year for Math 1 and Math 2, but the 10% goal will apply to these two measures as well.
- g. Goal 6: Increase on-time graduation in Berrien County. Each year, the Berrien County graduation rate will increase at least by 2% ~~to 82%~~ in order to exceed the graduation rate for the State of Georgia by the end of the school term 2014-2015.
- h. Goal 7: A survey will be given annually to students, parents, and community members to assess satisfaction with ~~Berrien Academy~~the Charter School's academic program, after school program, school-home communication, and accomplishment of the school's mission and to establish baseline data for continued improvement in each area and overall satisfaction. Using the baseline data produced from the first year's annual survey (in 2010), the overall satisfaction in each stakeholder group (student, parent, and community) will increase by at least 5% annually until the satisfaction rate is at least 95% in 2014-2015.
- i. Goal 8: ~~Berrien Academy~~The Charter School faculty will become technologically literate through in-service training opportunities and will integrate technology into their teaching to increase student achievement. A minimum of four (4) new lesson plans integrating technology will be designed by each teacher during the first year. Thereafter, the total number of lesson plans produced that integrate technology into the curriculum will increase at least by 25% annually, resulting in a 150% increase during the term of the charter. A copy of each lesson produced in which students will utilize

technology other than the E2020 online curriculum to show mastery of the academic subject area standards will be provided to the administration as evidence of the attainment of this goal.

- j. Goal 9: Teachers will utilize project-based instruction in all classes. Project descriptions and grading rubrics will be designed for each project. Projects may be designed to be produced by a single student or a team of students. At least once per year, students will participate in an interdisciplinary project that will be designed by two or more teachers and graded by each of those teachers for the skills learned in that subject area. Information on the number of projects produced each year, the number of students taking part in the projects, and the number of disciplines integrated into each project will be recorded. Baseline data will be established at the end of the 2009-2010 school year. Each subsequent year, the percentage of students participating in projects will increase by 10% until 100% of students are participating.
 - k. Goal 10: All elected and ex-officio members of the Governing Board will receive training through the Georgia Family Connection Partnership in the areas of financial and fiscal management, organizational goal setting, funding strategies, and fund-raising strategies. During the first year of this charter term (2010-2011), all member of the Governing Board will receive this training. Each subsequent year, only new members will receive this training.
7. Assessment and Accountability. Notwithstanding Sections 5 and 6 above, the Charter School is subject to all accountability and assessment requirements set forth within Title 20 of the Official Code of Georgia Annotated and any corresponding State Board Rules, including but not limited to the accountability provisions of O.C.G.A. § 20-14-30 through § 20-14-41. The Charter School further is subject to all federal accountability requirements under No Child Left Behind.
8. Annual Report. The Charter School shall submit an annual report by October 1 of each year following the first year of operation that complies with all requirements set forth in O.C.G.A. § 20-2-2067.1(c), including but not limited to an indication of the Charter School's progress towards the goals and objectives stated in Section 6 above and all state-mandated assessment and accountability scores from the previous year.
9. Open Enrollment and Admissions. The Charter School shall comply with the open enrollment and admissions provisions set forth in O.C.G.A. § 20-2-2066. Enrollment shall be open to any student in accordance with the following criteria:
- a. Attendance Zone. Enrollment shall be open to any student who resides within the attendance zone, which is defined as Berrien County. ~~The charter school will not serve students outside the Berrien County school district unless permission is granted in consultation with the Berrien Academy Governing Board.~~

- b. Application. To be eligible for enrollment at the Charter School, students residing in the attendance zone must submit a timely application to the Charter School in accordance with the deadline set by the Charter School. The Charter School may not use admissions criteria or applications that would not otherwise be used at a traditional public school, including requests for letters of recommendation, essays, resumes, or information regarding a student's school or community activities, grades, test scores, attendance record, or disciplinary history. The Charter School may use applications for the purpose of verifying the student's residence within the school's attendance zone. The Charter School may gather relevant information from students after enrollment is determined.
- c. Random Lottery. If the number of timely applicants received by the Charter School exceeds the capacity of a program, class, grade level or building, the Charter School shall ensure that such applicants have an equal chance of being admitted through a random lottery.
- d. ~~Statutory Enrollment Priorities. In accordance with O.C.G.A. § 20-2-2066(a)(1)(A), the Charter School may elect to give enrollment preference to the following categories of applicants and in the following priority:~~
- ~~i. Siblings of students enrolled in the Charter School; and~~
 - ~~ii. Students whose parent or guardian is a member of the Governing Board of the Charter School or is a full-time teacher, professional, or other employee at the Charter School.~~
10. Withdrawal without Penalty. The Charter School shall comply with the provisions of O.C.G.A. § 20-2-2066(d) for withdrawing students. The Local Board and the Charter School agree that a student may withdraw without penalty from the Charter School at any time and enroll in another public school in the Berrien County School System or in a public school in the system in which the student resides, pursuant to the rules and regulations of that school system.
11. State and Federally Mandated Educational Services.
- a. Students with Disabilities. The Charter School shall comply with all federal special education laws and regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.
 - b. English Language Learners. The Charter School shall comply with all applicable state and federal laws and regulations relating to the provision of educational services to English Language Learners.

- c. Supplemental Education. The Charter School shall provide supplemental education services in required cases pursuant to State Board of Education Rule 160-4-5-.03 and No Child Left Behind.
- d. Remediation. The Charter School shall provide remediation in required cases pursuant to State Board of Education Rule 160-4-5-.01 and No Child Left Behind.

12. Governance Structure.

- a. Governing Board. The Charter School shall utilize a governing body in the form of a Governing Board, which shall operate in accordance with its bylaws and which shall be responsible for complying with and carrying out the provisions of this Charter, including compliance with all applicable law.
- b. Control and Management by Local Board. The Governing Board shall be subject to the control and management of the Local Board.
- c. Function. It shall be the function of the Governing Board to uphold the Charter School's mission and vision, to set policy for the Charter School, to ensure effective organizational planning, and to ensure financial stability of the Charter School.
- d. Public Meetings. The Governing Board is subject to and shall comply with the Open and Public Meetings Act, O.C.G.A. § 50-14-1 *et seq.* The Governing Board shall conduct regular meetings consistent with principles of transparency and avoidance of actual or apparent conflicts of interest in the governance of the Charter School.
- e. Public Records. The Governing Board is subject to and shall comply with the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.* The Governing Board shall maintain its adopted policies, budgets, meeting agendas and minutes and shall make such documents available for public inspection.
- f. Conflicts of Interest. The Governing Board shall establish a formal policy to prevent and disclose conflicts of interest. Members of the Governing Board and Charter School employees shall abide by such conflicts of interest policy.
- g. Public Status. Petitioner assures that the Charter School shall be a public, nonsectarian, nonreligious, nonprofit school organized and operated under the laws of the State of Georgia. Petitioner further assures that the Charter School shall not be home based.
- h. Nonprofit Status. Petitioner assures that the Charter School is organized and will be operated as a nonprofit corporation under the laws of the State of Georgia. The Charter School shall at all times maintain itself as a Georgia

not-for-profit corporation in good standing capable of exercising the functions of the Charter School under the laws of the State of Georgia.

13. Fiscal Control.

- a. Annual Audit. The Charter School shall be subject to an annual financial audit conducted by an independent certified public accountant licensed in the state of Georgia.
- b. Chief Financial Officer. The Charter School shall designate a Chief Financial Officer, who shall possess the following minimum qualifications:
 - i. A baccalaureate or higher degree in business, accounting, or finance from an accredited college or university and a minimum of four (4) years experience in a field related to business or finance; or
 - ii. Documented experience of ten (10) or more years in the field of business and financial management.
- c. Federal Monitoring Requirements. The Charter School shall comply with all federal monitoring requirements related to the receipt of federal funds.
- d. Charter School Program Grant Funds Eligibility. The Charter School shall satisfy all federal eligibility requirements as a prerequisite to applying for and receiving grants funds under the federal Charter School Program.
- e. Insurance. Prior to opening, the Charter School shall secure adequate insurance coverage, and the Charter School shall maintain such coverage throughout the Charter term in accordance with the laws of the State of Georgia.

14. Compliance with Other Laws, Rules, and Regulations. The Charter School shall operate in accordance with the United States Constitution, the Constitution of the State of Georgia and all applicable federal, state and local laws that may not be waived pursuant to O.C.G.A. § 20-2-2065, including the following, which are listed by way of example and not by way of limitation.

- a. Civil Rights, Insurance, Health and Safety and Conflicting Interests. The Charter School shall operate in accordance with all applicable federal, state, and local rules, regulations, court orders and statutes relating to civil rights; insurance; the protection of the physical health and safety of students, employees, and visitors; conflicting interest transactions and the prevention of unlawful conduct.
- b. Unlawful Conduct. The Charter School shall be subject to all laws relating to unlawful conduct in or near a public school.

- c. Student Conduct and Discipline. The Charter School shall maintain and implement a written policy regarding student discipline, which policy shall be consistent with due process.
 - d. State Board Rules. The Charter School shall operate in accordance with all State Board Rules promulgated in accordance with O.C.G.A. § 20-2-240 during the term herein that are not subject to any waiver granted in Section 5 above.
 - e. Prohibition on Discrimination. The Charter School shall not discriminate against students on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, the need for special educational services or any other characteristic protected by local, state or federal law.
 - f. Reporting Requirements. The Charter School shall be subject to all reporting requirements of O.C.G.A. §§ 20-2-160, 20-2-161(e), 20-2-320 and 20-2-740.
 - g. Tuition. The Charter School shall not charge tuition or fees to its students except as may be authorized for local boards pursuant to O.C.G.A. § 20-2-133.
 - h. Brief Period of Quiet Reflection. The Charter School shall comply with O.C.G.A. § 20-2-1050, which requires a brief period of quiet reflection.
 - i. Family Educational Rights and Privacy Act. The Charter School is subject to all provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. In the event the Charter School closes, it shall transmit all official student records in the manner prescribed by the State Board.
15. Employment Matters. The Charter School shall be the employer of all employees of the Charter School. Employees of the Charter School shall not be considered employees of the Local Board, the State Board or the Department.
- a. Background Checks. The Charter School shall adopt background check procedures and shall ensure that all prospective staff members undergo a fingerprinting and background check prior to beginning employment at the Charter School.
 - b. Teachers' Retirement System. All teachers at the Charter School shall be members of the Georgia Teachers' Retirement System (TRS) and subject to its requirements. The Charter School is responsible for making arrangements with TRS and making monthly contributions for its teachers in accordance with state requirements.
16. Record Inspection. Subject to state and federal laws, the Local Board, the State Board, its agents, and the state auditor's office shall have the right to examine and

copy all records, reports, documents, and files relating to any activity, program, or student of the Charter School.

17. Facilities. Prior to the opening of the Charter School and prior to students occupying any proposed facility, the Charter School shall obtain and submit the following documents to the Local Board:

- a. Documentation of Ownership or Lease Agreement. The Charter School shall submit to the Local Board documentation of ownership or the lease agreement for the facility that will house the Charter School.
- b. Certificate of Occupancy. The Charter School shall obtain a Certificate of Occupancy for the facility in which the Charter School shall be located.
- c. Emergency Safety Plan. The Charter School shall prepare a safety plan in accordance with O.C.G.A. § 20-2-1185, which plan shall be submitted to the Georgia Emergency Management Agency.

18. Transportation. The Charter School shall comply with all applicable laws governing transportation of students.

19. Food Services. The Charter School shall comply with all applicable laws governing nutrition and food service for students.

20. Agreements with Local Board. This Charter shall not preclude the Charter School from entering into an agreement with the Local Board; provided no such agreement supersedes, overrides or conflicts with any provision of this Charter.

21. Termination of Charter.

- a. Termination Procedures. The parties acknowledge and agree that this Charter may be terminated following the procedures set forth in O.C.G.A. § 20-2-2068 and the accompanying State Board Rule.
- b. Requests for Termination. The termination of this Charter may be requested by a majority of the parents or guardians of the students enrolled in the Charter School, a majority of the faculty and instructional staff employed at the Charter School, the Local Board, or the State Board following the procedures identified in Section 221(a).
- c. Termination Grounds. In accordance with Sections 221(a) and (b), the State Board may terminate this Charter based on any of the following grounds:
 - i. The Charter School's failure to comply with any recommendation or direction of the State Board with respect to O.C.G.A. § 20-14-41;

