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***“Making Education Work for All Georgians”***

**Guidelines for Charter Authorizers, Financing and Management**

**Georgia Department of Education**  
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**Document Version History**

Version Number	Date Approved by State Board of Education	Description
Version 1	TBD	Initial document release.

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**Introduction**

This guideline document is incorporated by explicit reference in Georgia State Board of Education Rule 160-4-9-.06 CHARTER AUTHORIZERS, FINANCING AND MANAGEMENT. 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 provides information regarding authorizer roles and responsibilities, charter school financing and management of charter contracts.

Inquiries concerning this guideline document should be directed to the Charter Schools Division at the Georgia Department of Education by email at [jclarkedodd@doe.k12.ga.us](mailto:jclarkedodd@doe.k12.ga.us) or by telephone at 404-657-0515.

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**Part 1: Responsibilities of Charter Authorizers**

(A) RESPONSIBILITIES OF LOCAL BOARDS. Local boards shall control and manage local charter schools, pursuant to O.C.G.A. § 20-2-2065(b)(2). At a minimum, this control and management shall include the following responsibilities:

- (1) Review and act on local charter school petitions;
- (2) Enforce clear expectations for, and ensure achievement of, performance goals set forth in the charters;
- (3) Review annual budgets for local charter schools;
- (4) Ensure that local charter schools comply with the accountability provision of O.C.G.A. § 20-14-30 *et seq.* and federal accountability requirements;
- (5) Evaluate a local charter school's performance in relation to the expectation and goals set forth in the charter and take appropriate action based on this evaluation;
- (6) Distribute applicable federal, state, and local funding to local charter schools in a timely manner and in accordance with law and ensure that funds are spent according to applicable laws, rules, policies, and guidelines, including requirements for the monitoring of the use of federal funds; and
- (7) Ensure that the requirements of the Individuals with Disabilities Education Act (IDEA) are met. The local board must have a plan to ensure that the local school system shall:
  - a. Serve students with disabilities attending the local charter school in the same manner as it serves all other students with disabilities in its other local schools. Nothing in this section shall prevent a local board from providing services to students with disabilities at a central location, if that is standard practice for student with disabilities from other local schools in the local school system.
  - b. Provide funds to local charter schools on the same basis as it provides funds to its other local schools, including proportional distribution based on relative enrollment of children with disabilities; and

(B) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION (SBOE). The SBOE shall have the following supervisory duties pursuant to O.C.G.A. § 20-2-2063:

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- (1) Review and act on local charter school petitions and state-chartered special school petitions;
- (2) Ensure the provision of technical assistance to local school systems in successfully administering their responsibilities as described in (A) above;
- (3) Ensure the provision of technical assistance to petitioners submitting planning grants, implementation grants, facilities grants, charter petition, petition renewal applications, and any other programs authorized by applicable law;
- (4) Create and maintain a strategic plan and policy for the state's charter schools program;
- (5) Manage any applicable federal grant awarded to the state for use by the state's charter schools;
- (6) Provide an annual report on the status of the state's charter school program to the General Assembly, pursuant to O.C.G.A. § 20-2-2070;

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**Part 2: Charter School Financing**

- (A) CHARTER SCHOOL FUNDING CALCULATIONS. Charter school funding calculations shall be pursuant to the following:
- (1) A charter school shall be eligible for federal, state, and other funds pursuant to O.C.G.A. § 20-2-2068.1 and § 20-2-2090, as appropriate.
  - (2) For the purpose of local charter schools, the Department shall determine the allotment of state funds and federal funds for the LEA in which the charter school is physically located, pursuant to O.C.G.A. § 20-2-2068.1, or to the local board stipulated as the fiscal agent in the charter.
  - (3) Pursuant to O.C.G.A. § 20-2-2068.1(a) the local board(s) and the SBOE shall treat a local charter school no less favorably than other local schools located within the applicable local system unless otherwise provided by law, including with respect to the provision of funds for instruction, school administration, transportation, food services, and, where feasible, building programs. Funds for transportation and food service shall be provided in accordance with the Local Units of Administration (LUA) Manual. A local charter school may request the Department to order mediation if it believes the local board is treating the charter school less favorably than other local schools.
  - (4) Pursuant to O.C.G.A. § 20-2-2068.1(c), the local board shall calculate and distribute the funding for the start-up charter school on the basis of its actual or projected enrollment in the current school year according to an enrollment count procedure or projection method stipulated in the terms of the charter. This shall include funding on the basis of its actual or projected enrollment in the current school year in the charter school's first year of operation and in any year that the charter school significantly expands its enrollment (*e.g.*, by adding a grade or grades to the school).
- (B) CHARTER SCHOOL FACILITIES FUNDS. Charter school facilities funds shall be appropriated pursuant to O.C.G.A. § 20-2-2068.2, in each year in which charter school facilities funds are appropriated by the General Assembly for charter school facilities, the SBOE shall allocate the funds among eligible charter schools pursuant to accompanying grant Guidance.
- (C) CHARTER SCHOOL CAPITAL FINANCING. Pursuant to O.C.G.A § 20-2-2095 *et. seq.*, in each year in which charter school capital financing funds are appropriated by the General Assembly, the SBOE shall establish a grant program, in the form of matching funds, for qualified charter school contributions pursuant to accompany grant guidance.
- (1) The SBOE shall determine the maximum amount of matching funds authorized for each dollar of funds donated to a qualified charter school organization for any single charter school project. In so doing, the SBOE shall take into account local revenue, special-purpose local-option sales tax (SPLOST) and bond funding and shall view such local revenue and funding

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favorably in determining the amount of grant funds to authorize.

- (2) The matching grant funds shall apply to any eligible funds donated to a qualified charter school organization within the three (3) year period immediately preceding an appropriation by the General Assembly.

(D) CHARTER SCHOOL GRANTS. Charter school competitive grant applicants shall adhere to all page limitations, timelines and formatting requirements as established by the application. Applicants should consult the Department's website <http://www.gadoe.org> for additional information and applications. All eligibility requirements must be met to receive any charter school grant. The Department reserves the right to determine eligibility for all grants. Applications that do not meet eligibility requirements shall not be considered. The Department reserves the right to adjust grant application procedures. All charter school grants shall be administered according to procedures outlined in the accompanying grant guidance.



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**Part 3: Management of Charter Contracts**

(A) CHARTER AMENDMENTS.

- (1) For local charter schools, the local board(s) 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.
  - (a) The local board(s) shall notify the Department in writing of the charter amendment decision.
  - (b) 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 resolve the differences regarding the proposed amendment.
  - (c) If the amendment is not accepted by the local board(s) or the SBOE, the charter continues in its current un-amended form.
- (2) Pursuant to O.C.G.A. § 20-2-2068(b)(2), the charter of a system charter may be amended with respect to a particular system charter school during the charter system term upon request of the system charter school's governing council.
  - (a) A request to amend a system charter with respect to a particular system charter school must be submitted in writing to the SBOE and to the charter system.
  - (b) The charter system shall have thirty (30) days from receipt of the request for amendment to provide a written response to the SBOE.
  - (c) Upon receipt of the request for amendment and following the 30-day period for the charter system's response, the SBOE shall determine whether the system charter shall be amended to address the concerns of the requesting system charter school.

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**(B) TERMINATION OF A CHARTER.**

- (1) 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:
  - (a) 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, with a copy to the local board, which shall include the following:
    1. A written statement detailing the reasons for termination pursuant to O.C.G.A. § 20-2-2068(a)(2)(A)-(F), including supporting documentation;
    2. A copy of the minutes, if any, of the public meeting where the termination request was voted upon;
    3. 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);
    4. 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 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
    5. Any other pertinent information.
  - (b) 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.
  - (c) Upon receipt of the termination request and following the 30-day period for the charter school's response, and at the request of an interested party, the SBOE shall conduct a hearing and render a decision in accordance with Georgia's Administrative Procedures Act. If no such request is made, the parties waive their right to a hearing and the SBOE shall render a vote based only upon information submitted by the parties.
  - (d) If the SBOE votes to sustain the charter, it shall take notice of the termination request if the charter comes up for renewal.
- (2) For termination requests originating with the local board(s):

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- (a) The local board(s) shall provide appropriate notice of proposed termination to the charter school and an opportunity for a hearing on the proposed termination. The local board shall also determine the existence of any ground for termination pursuant to O.C.G.A. § 20-2-2068(a)(2)(A)-(F);
  - (b) 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 determination.
    - 1. 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 as applicable, and the decision of the local board of education;
    - 2. 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.
  - (c) Upon receipt of the above documents and at the request of an interested party, 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. If no such request is made, the parties waive their right to a hearing and the SBOE shall vote based upon information submitted by the parties.
    - 1. The SBOE shall uphold the decision of the local board(s) if it finds sufficient evidence to sustain the decision.
    - 2. The SBOE shall render a final written decision and shall notify the parties accordingly.
- (3) For termination requests initiated by the SBOE, including termination requests for state chartered special schools:
- (a) 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)
  - (b) 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.

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- (c) 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.
  - (d) If the SBOE determines that the charter should be terminated, it shall issue a statement setting forth the reasons for such termination.
- (4) The governing council of a system charter school may request termination of a system charter. For such requests:
- (a) A petition to terminate a system charter must be submitted in writing by the school governing council of a system charter school to the SBOE and to the charter system.
  - (b) The charter system shall have thirty (30) days from receipt of the petition for termination to provide a written response to the SBOE.
  - (c) Upon receipt of the petition for termination and following the 30-day period for the charter system's response and at the request of an interested party, the SBOE shall conduct a hearing and determine whether the system charter shall be terminated. If no such request is made, the parties waive their right to a hearing and the SBOE shall vote based upon information submitted by the parties.
  - (d) Nothing contained herein shall prevent the SBOE from proposing an amendment to the system charter to address the concerns raised by the request for termination.