

## PART C: ASSURANCES SHEET

The petitioner(s) assure(s) that the following procedures and obligations will be followed throughout the term of the charter in accordance with the terms of the Charter and all applicable federal, state, and local laws, rules, and regulations.

### Chartering Procedures

It is understood by the petitioner that certain circumstances may arise which will result in a request from FCS for an extension of the GADOE 60 day period allotted for charter review. The petitioner has the right to deny such a request and require a vote on the most recent version of the charter proposal by the FCBOE during their next regularly scheduled meeting. This assurance and application shall not preclude the Charter School from entering into or maintaining any agreement with the State Board, expressly including the agreements set forth in the Charter Contract submitted to and approved by the State Board; provided no such agreement supersedes overrides or conflicts with any provision of these assurances.

### FCS Obligations to Charter School

FCS will operate in good faith to comply with all federal, state, and local rules, regulations, court orders, and statutes relating to charter schools.

#### 1. FCS will provide access to QBE funding per state law.

In accordance with the Georgia Charters School Rule and O.C.G.A. § 20-2-161 (2008), FCS will 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 ensure that the requirements of the Individuals with Disabilities Education Act (IDEA) are met.

#### 2. FCS will provide access to local funds per state law

#### 3. FCS will provide access to additional pro rata funding levels for start up charters per FCS policy.

#### 4. FCS will provide limited in-kind services for start up charters to comply with state and federal mandates such as:

- Professional development opportunities,
- Training and department level meeting participation in the areas pertaining to federal, state or local mandated activities,
- Regular charter school meetings to share best practices and problem solving ideas,
- Administrative support,
- Petition development, program assessment, and charter evaluation guidance, and
- Sufficient hardware, software, and training to operate the required student information system and monitor compliance with federal and state laws and regulations.

#### 5. FCS will fulfill all the local education authorizer (LEA) requirements established by federal and state law.

- The FCBOE accepts the responsibility to “enforce clear expectations for, and ensure achievement of performance goals set forth in the charters” 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” (GADOE 160-4-9-.04). FCS also takes seriously the need to put forth a process that is designed to resolve conflicts between the charter governing board and FCBOE regarding the performance of the charter. To these ends, if a charter school is not in compliance with the terms of the charter, the system will notify the school leadership. If the compliance issue is not resolved, the system will notify the local school governance in writing of the concerns and request a plan to resolve the issue. If such a plan is not forthcoming or does not resolve the issue in a reasonable length of time, the parents of the charter school and the GADOE will be notified that the charter school has been placed in a probationary status until such issues are resolved. Continued failure to resolve the issue(s) may result in termination of the charter.
- Any proposal for termination of a charter will comply with applicable requirements and due process of the Charter Schools Act, as well as any applicable state and local rules and regulations.

### Charter School Obligations

#### 1. Charter will fulfill obligations to State and Federal Governments

- The charter school will comply with all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct. Additionally, 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. Specifically, the charter school may not waive and is not exempt from federal law nor any of the following:
  - School Accountability Provisions, Part 3 of Article 2 of Chapter 14 of Title 20 O.C.G.A. 20-14-30 through O.C.G.A. 20-14-41
  - Shall Not Charge Tuition, O.C.G.A. 20-2-133
  - Unlawful Conduct in or near a Public School, O.C.G.A. 20-2-1180 through O.C.G.A. 20-2-1182
  - Reporting Requirements – Student Data Collection, O.C.G.A. 20-2-320
  - Brief Period of Quiet Reflection, O.C.G.A. 20-2-1050, 20-2-1051
  - Open and Public Meetings, O.C.G.A. 50-14-1 et seq.
  - Inspection of Public Records, O.C.G.A. 50-18-70 et seq.
  - Fingerprinting and Criminal Record Check of All Personnel Employed by the Charter School, O.C.G.A. 20-2-211
- The charter school will be obligated to provide a full continuum of state and federally mandated services to disabled students to the same extent as other schools in the System
- The charter school shall, by October 1, submit an annual report that includes all State-mandated assessment and accountability scores and complies with all requirements set out in O.C.G.A. § 20-2-2067.1(c)(1)-(6). A copy of this report will be submitted to FCS no later than October 7. The school system may exercise its right to include notice of deficiencies or provide comments and feedback in the annual report.
- The charter school will comply with the federal monitoring requirements for schools receiving federal funds.

- *The charter school will follow the testing schedule provided by FCS and participate in all state-mandated assessments and stakeholder satisfaction surveys mandated by FCS. ~ GADOE 12*

## 2. Charter School will fulfill obligations to FCS

- In order to provide FCS with necessary data for state funding reporting and enrollment monitoring, the charter school will use the FCS approved student information system(s) in accordance with FCS's with School System specifications.
- Exit surveys as designed by the system will be collected from every student who exits the school outside regular matriculation processes.
- The petitioner agrees to complete registration for the upcoming school year and provide the names, addresses and home school of all accepted students to FCS no later than March 1. It is understood that the school can continue to accept students after this date and will continue to update the system on the number of students registered and all other student information as requested. If the charter school does not meet its projected enrollment within twenty percent (20%), the charter may be terminated. If the enrollment levels create a financial hardship that puts student achievement in jeopardy, the charter may be terminated unless it can document additional independent financial support.
- The charter school will comply with all federal, state, and local laws, policies, procedures, and requirements unless specifically waived in the charter. The charter understands that FCS will not accept the "blanket waiver" but requires specific waivers and the rationale for each waiver.
- The *charter school, governing board, and charter staff are subject to the control and management of the Fulton County Board of Education* in a manner consistent with the Charter Schools Act of 1998, as amended, and the Georgia Constitution *and the provisions of OCGA 50-14-1 and 50-18-70. ~ GADOE 41.* As such, the petitioner will comply with all legal and regulatory local, state, and federal laws or court orders requirements, including those outlined in Fulton County Board of Education Charter School Guidelines. Failure to comply with any and all recommendations or directions of the FCBOE with respect to the operation of the charter school may result in termination of the charter.
- The charter school will provide FCS with a monthly financial report on the last day of each month.

## 3. Charter School will fulfill obligations to the General Public

- The recruitment of students is the responsibility of the petitioner and the charter school. During the recruitment process, the charter will provide parents of potential students with accurate information about the programs, services and amenities available at the school.
- For any state or federal grants the charter is awarded, the school will agree to have the FCBOE act as fiscal agent for flow through purposes and comply with the Single Audit Act which will determine the procedures the parties will follow.

## 4. Charter School will fulfill obligations to Students and Families

- The local governance of the charter school shall operate under a structure that retains a local school level governance body of parents, teachers, administrators, and others who are involved in school level governance within the charter. The operation and support of the charter school under the control and management of FCS will be the sole function of the local school level governance body.
- The charter school board members will not constitute a voting majority on any other charter school board, will be voluntary and fully and insured bonded prior to final approval of the charter, and will maintain fully bonded status throughout the term of the charter.

- No petitioner and no member of the governing board of the petitioner or the charter school shall sell, lease, or receive payment for providing textbooks, supplies, services, equipment, facilities, or land to a charter school or other public school in this school system. Nor will the board members receive payment for services as board members.
- No administrator will be directly responsible for the supervision or evaluation of a member of his/her immediate family.

#### 5. Charter Evaluation Terms

- The charter school will be evaluated on the retention of staff.
- The charter school will be evaluated on the number of students enrolled who complete the school year at the charter school.
- Beginning with the completion of the first year of operation, the charter school will submit to FCS an Annual Evaluation Plan that will report the precise levels of achievement that the charter school will meet or exceed on the state and system student assessments, student and stakeholder surveys, student and staff retention, and unique charter-based objectives as stated in the charter's strategic plan. The charter school will provide interim progress reports to FCBOE and such reports shall conform to the template provided by FCS.
- If the charter school does not make AYP in any two years during the term of the charter, the charter may be terminated.

#### 6. Specific Programming Terms

##### Nutrition

- If the petitioner will request that the Fulton County School Nutrition Program provide services and such a request is granted by FCS, the petitioner agrees to pay all the costs of the Fulton County School Nutrition Program incurred by the charter and will comply with all federal, state, and local policies, procedures, and requirements.
- If the charter elects to participate in the National School Breakfast and Lunch Program, the charter will submit its own application to the GADOE and will be responsible for accurately counting meals and submitting financial reimbursement claims to the GADOE for meals meeting specified nutrient standards.

##### Transportation

- The only bus schedules that can be reliably honored are those established by the system. Any alternations to those schedules must be approved by exception only and are dependent upon the capabilities of the schools system's criteria of M to M, AYP (Choice), SPED, and Magnet transportation priorities. Requests for exception must be made through the Charter Liaison one year in advance of the date of August 1 of the year of implementation. Approval of the exception will be announced annually by August 1. Once an exception is granted, it is considered established by the system and need not be requested annually.
- The petitioner will agree to provide the system with transportation safety documentation as required by the GADOE no later than June 1 for the pending school year.
- The transportation program will comply with applicable law and any vehicles or drivers used for transporting students will meet the same safety standards applicable to public schools in this State.

## Personnel

- Fingerprinting and criminal record checks will be required of all employees and that employment will be provisional until the results of the criminal record check are obtained.
- The charter school will provide FCS with all personnel information required to complete the certified personnel information (CPI) report due the state annually by the FCS deadline and, upon request, provide FCS with all personnel information.

## Applicable to Start Up Charters ONLY

1. Regarding governance: The charter school will be organized and operated as a separate nonprofit corporation formed under the laws of Georgia, that the operation and support of the charter school will be the sole function of the corporation. The corporation will not raise funds for any other purpose. The petitioner's primary local contact and each of the individuals acting on behalf of the petitioner, and each member of the nonprofit corporation's board will be fingerprinted and have a criminal record check processed prior to Board approval of the petition and annually thereafter.
2. Regarding fiscal operations: If the charter school does not have sufficient funds to pay all of its bills at the time it ceases operation, FCS will not be responsible for the charter school's unpaid bills. Additionally, the charter school will:
  - provide FCS with a monthly financial report in a format acceptable to FCS on the 15th day of each month
  - permit the FCS's Internal Audit Department to audit the charter school annually or at such other intervals as FCS deems appropriate
  - use any surplus funds remaining at the close of one fiscal year will be used to enhance the charter school's academic program the following year;
  - eliminate any deficit occurring during or at the end of a fiscal year by an infusion of funds from the petitioner. If the charter school has not eliminated the deficit by the end of the fiscal year, the school must provide a plan for eliminating the deficit within the next fiscal year. No School System funds will be allocated to the charter school for the next fiscal year until the Superintendent or designee approves such plan;
  - be solely responsible for all debts it incurs and contracts it makes;
  - notify FCS immediately if the charter school is contemplating the cessation of operations, and will cooperate with FCS to the extent necessary to provide an orderly return of the students to their local school; and
  - be responsible for appropriately safeguarding and distributing the school's assets and winding up the school's business and affairs if the charter school ceases operations for any reason; and
  - *be subject to an annual financial audit either by an independent Georgia-licensed certified public accountant or by the State Auditor. ~ GADOE #37*
3. Regarding services to students with disabilities, the charter school will:
  - be obligated to provide a full continuum of services to disabled students to the same extent as other schools in the System
  - require its instructional support teachers and special education teachers to attend the System's special education professional development programs to the same extent required of other schools in the System
  - implement the same identification, evaluation, placement, reporting, and due process procedures and use the same special education forms as other schools in the System
  - submit to program review by state and local officials to the same extent required of other schools in the System
  - provide copies of all IEPs to FCS
  - provide free transportation and other related services when required by a student's IEP



- include reasonably anticipated special education costs in the budget(s) submitted with the petition
  - indemnify FCS in the event FCS is held liable for the charter school's failure to provide eligible disabled students with the special education, related services, program accommodations, and due process to which they are entitled under state and federal law
4. Regarding school facilities, the Fulton County Board of Education has determined that it will not include start-up charter schools in its building program or provide charter schools with a facility, land for a facility, or funding for a facility. However, FCS staff will be able to inspect the facility prior to school opening and throughout the term of the charter.

BEFORE the opening of the charter, the petitioner will:

- submit the existing and/or conceptual site and building plans/blueprints for any school,
- construction or renovation projects to be undertaken prior to the opening of school to FCS for review and approval. The submission will take place no later than 165 days prior to the proposed opening date of the school,
- provide certification that the facility is in compliance with all building code standards and regulations and fire, safety, environmental and accessibility requirements in the form of a certificate of occupancy to FCS no later than 90 days prior to the proposed opening date of the school, and
- meet all of the criteria and deadlines in this section if an existing charter school building is renovated or added to or if the charter school expands into an additional building.

AFTER the opening of the charter, if the facility undergoes construction, addition, or renovation during the term of the charter, the petitioner will contract directly with, and pay for the services of experienced and appropriately licensed and insured design and construction professionals to:

- prepare schematic designs and complete construction documents meeting all applicable codes and the requirements of all applicable code-enforcing agencies having jurisdiction over the project,
- obtain full permits for land disturbance, erosion and sediment control, traffic control measures, civil, structural, architectural, mechanical, plumbing, electrical, mechanical and fire protection, etc., as required by the scope of work necessary to obtain from the appropriate jurisdiction a valid Certificate of Occupancy for the intended educational use,
- provide full "contract administration services," i.e., oversight of the construction project from conceptual design through issuance of the final Certificate of Occupancy, and
- perform all work in accordance with the construction specifications, drawings and other documents, as directed by the design professional. Copies of all related deeds, leases, construction contracts, drawings and other documents relating to the facility must be provided to FCS within 5 business days of final execution.

The charter school will notify FCS of any upcoming changes to the school location and any new location will meet all the facility requirements in the FCS checklist.

Failure to meet any of the above deadlines may result in termination of the charter.

5. Regarding legal proceedings, the charter is responsible for providing its own legal services and cannot use FCS's attorney unless agreed upon by the Board and the charter. Should a third party name the Board or FCS as an adverse party in any legal proceeding arising out of any action or inaction on the part of the charter school, its governing board, its employees, its affiliates, or any party with which the charter school has contracted, the charter school shall consent to join that legal proceeding as a party alongside the Board of School System. Within the first month after opening, the charter will provide the name, address, phone numbers, and email information for their legal counsel to FCS.
6. Regarding insurance, the start up charter school's administrators and employees will be appropriately insured and bonded. The levels of insurance and bonding described in the petition will remain in effect throughout the term of the charter, and proof of insurance or an acceptable self-insurance plan must be provided to FCS upon request.

7. If the charter school will be a middle school but will not follow the State's middle school concept, it will not be funded as a middle school.

Applicable to Conversion Charters ONLY

1. Regarding admission of students, the conversion charter will follow the guidelines of OCGA 20-2-2066 if the number of enrolling students exceeds the program capacity of the charter school.

2. Regarding personnel, the conversion charters will adhere to current FCS policies, procedures and standards in all areas regarding the status of district employees to include treatment, qualifications/credentials, placement, compensation, and evaluations. Fulton County Schools maintains absolute authority in all employment matters.

SAMPLE

# FCS Assurances Signature Sheet

1. The terms of this Charter Assurances Sheet was approved by

\_\_\_\_\_  
Charter school representative  
authorized to execute contract

\_\_\_\_\_  
Date

2. This Charter Assurances Sheet was approved by the Fulton County Board of Education on

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair, Local Board of Education

\_\_\_\_\_  
Date

SAMPLE