

**Guidance for Georgia State Board of Education Rule 160-4-9-.04
CHARTER SCHOOLS**

(3) CHARTER PETITION PROCESS¹

(a) LETTERS OF INTENT

The requirement that a petitioner submit a letter of intent to the Department is meant to provide notice to the Department of petitions for new start-up charter schools, new conversion charter schools, and new charter systems that may be submitted for review and approval. A letter of intent is not required for renewal petitions.

In keeping with the purpose of the Rule, letters of intent to submit a charter petition should include a brief statement setting forth the proposed vision and mission of the school, the grade levels the school will cover, the school system where the school will be located, the anticipated number of students, and the proposed opening date. A single letter may be submitted to the local board of education and to the Department.

(b) PLANNING GRANTS

Planning grants are funded using state funds and are awarded on a cycle that is based on the state fiscal year, July 1-June 30. Funds awarded during a fiscal year must be expended during that fiscal year. The planning grant application must be completed and signed by the petitioner, along with the budget forms, in order for the application to be considered complete and accepted for review. Planning grant applications that are not recommended for approval may be re-submitted for the next round of competition. The grant application form is posted on the Charter Schools website at: http://public.doe.k12.ga.us/pea_charter.aspx.

All planning grant applications that meet grant requirements will be considered at one of two State Board of Education (“SBOE”) meetings—the August meeting or the January meeting. To ensure that Department staff and the SBOE have sufficient time to consider the grants, all grants must be submitted by July 1 to be considered at the August SBOE meeting and by December 1 to be considered at the January meeting. This timeline is reflected below:

<u>Round</u>	<u>Grant Application Due</u>	<u>To SBOE for Consideration</u>
1	July 1	August Board meeting
2	December 1	January Board meeting

¹ The section, paragraph, and subparagraph designations used throughout this Guidance align with the corresponding section, paragraph, and subparagraph of the Rule.

Round 2 will be held only if funds are still available. Funds awarded during either round must be expended by the end of the fiscal year. No extensions will be permitted or considered. For purposes of this Guidance, planning grant applications will be deemed submitted to the Department if the application is fully completed, along with all proper supporting documentation, and postmarked by the grant application deadline.

Once a planning grant has been approved, the grant recipient will receive notification, along with directions on how to draw down the funds. A copy of this letter will be sent to the superintendent of the LEA where the grant applicant proposes to locate the charter school.

(c) CHARTER PETITIONS TO LOCAL BOARD

The charter petitioner should check with the LEA where the charter school will be located for a complete copy of all local timelines and policies regarding the submission of charter petitions for approval in that school district. The Department strongly encourages all petitioners to work together with the local board to obtain approval for their petitions.

(d) SUBMISSIONS OF CHARTER PETITIONS TO THE DEPARTMENT OF EDUCATION

To be considered by the Department and the SBOE, petitions for start-up charter schools (including LEA start-up charter schools and career academies) must be submitted to the Georgia Department of Education no later than August 1 the year prior to the school's planned opening. Start-up petitions that are deemed deficient in meeting the requirements of the Charter Schools Rule or law must correct all identified deficiencies to be placed on the SBOE agenda with a recommendation for approval. Petitions for start-up charter schools will be considered by the SBOE at the December meeting following timely submission.

Petitions for conversion charter schools, charter systems, or renewal petitions for existing charter schools or charter systems must be submitted to the Georgia Department of Education by November 1 the fall prior to the school's or system's planned conversion or renewal. For purposes of this Guidance, system charters and cluster charters shall be considered conversion charters. Conversion or renewal petitions that are deemed deficient in meeting the requirement of the Charter Schools Rule and law must correct all identified deficiencies in order to be placed on the SBOE agenda with a recommendation for approval. Petitions for conversion charter schools or renewals will be considered by the SBOE at the March meeting prior to the charter school's planned conversion or renewal.

If deficiencies are identified in any petition they must be corrected and the revised petition must be approved by the local board before the Department will place the petition on the agenda for the SBOE meeting with a recommendation for approval. This process may result in delay of approval until the next approval cycle. The Department has published an application describing all requirements for petitions, which is available

at the Charter Schools website at: http://public.doe.k12.ga.us/pea_charter.aspx. The Department strongly urges petitioners and local boards to utilize the checklist contained in the application during the development of the petition and during the local board approval process so that petitions are not unnecessarily delayed at the state level.

Petitions must be concise and contain only necessary and relevant information. Charter petitions shall not exceed 100 pages in length, exclusive of appendices, and all application questions must be addressed within the 100 page limit. Each page shall be numbered consecutively and shall be prepared with one (1) inch margins. Any portion of petitions exceeding the 100 page limit will not be reviewed during the charter petition evaluation process, which may result in a negative evaluation.

(e) IMPLEMENTATION GRANTS

To ensure that implementation grant applications can be processed efficiently following the approval of a charter petition and in alignment with the goals of the grant award, petitioners who desire to access federal implementation grant funds should begin work on their grant application after submitting their petition to the SBOE. To qualify for an implementation grant a petitioner shall submit its application within one (1) month following the approval of the charter by the SBOE. The Department cannot begin the grant review process until the charter petition has been approved.

Once implementation grant applications are received by the Department, they will be reviewed by three external reviewers. Before any implementation grant application can be forwarded to the SBOE for approval, it must be recommended for approval by at least two of the three reviewers. Implementation grants that are not recommended for approval may be re-submitted.

The application and accompanying budget forms must be completed and signed by the petitioner and by the Superintendent of the local board where the charter school is located in order for the application to be considered complete and accepted for review. The grant application and budget forms are posted on the Charter Schools website at: http://public.doe.k12.ga.us/pea_charter.aspx.

Once an implementation grant has been approved, the grant recipient and the local board of education will receive notification, along with directions on how to draw down the funds.

The foregoing petition and implementation grant timelines are set forth below:

<u>Charter</u>	<u>Letter of Intent Due</u>	<u>Petition Due</u>	<u>To SBOE for Consideration</u>	<u>Implementation Grant Application Due</u>
Start-ups (including LEA Start-ups and Career Academies)	February 1	August 1	December Board meeting	1 month after approval

Conversions and Charter Systems	May 1	November 1	March Board meeting	1 month after approval
Renewals	N/A	November 1	March Board meeting	N/A

For purposes of this Guidance, petitions and grant applications will be deemed submitted to the Department if they are fully completed, along with all proper supporting documentation, and postmarked by the petition or grant application deadline. To be eligible to qualify for federal implementation grant funding, a charter school must meet the federal and state definitions of charter school. Among other things, these definitions may require that charter schools report Adequate Yearly Progress as required by the Single Statewide Accountability System, that charter schools have open enrollment policies, and that the charter schools enroll students on a full-time basis.

(5) CHARTER PETITION REQUIREMENTS

The Department has prepared an application, which includes a checklist of required components for charter petitions. The application is posted on the Charter Schools website at: http://public.doe.k12.ga.us/pea_charter.aspx. The application must be completed with the required signatures and must be attached to the charter petition when it is submitted to the Department for consideration by the SBOE.

(a) 7. DESCRIPTION OF SCHOOL OPERATIONS

(iii) Charter schools are public schools of open enrollment. As such, charter schools may not use admissions criteria or admissions applications that would not otherwise be used at a traditional public school. Charter schools may not use enrollment applications that require submission of letters of recommendation, essays, resumes, or other narrative summaries of a student’s school or community activities, grades, test scores, attendance record, or disciplinary history.

Charter schools may use enrollment applications for the purpose of verifying the student’s residence within the school’s attendance zone. For the limited purpose of compiling information so that charter school students will receive required services, such applications may also seek information regarding whether a student previously has received special education services or services for students with limited English proficiency. As part of a charter school’s enrollment application, the school may provide information to parents and students regarding the school’s mission, vision, curricular requirements, and academic and behavioral expectations. As part of such applications, charter schools may require parents and students to agree to abide by the school’s stated expectations, including requirements for parent and/or student volunteer hours.

(ix) All teachers of the charter school shall be members of the Georgia Teachers’ Retirement System (TRS) and subject to its requirements. Each charter school is responsible for making arrangements with TRS and making contributions for charter school teachers in

accordance with state requirements. The charter school is required to make all arrangements directly with TRS for monthly payments.

(x) In the event a charter school seeks to relocate or add an additional site or annex during the term of its charter, the charter school must obtain all necessary local and state approvals of the proposed new facility/site/annex. In addition, the charter school shall notify the Department in writing of the relocation/new site/annex no later than sixty (60) days prior to occupying the proposed new facility.

(a) 8. DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS

(i) (III) Chief Financial Officer's credentials. Each charter school must specify an individual who will serve in the capacity of Chief Financial Officer. That person may be a member of the governing board, the executive director of the school, or the principal of the school. At a minimum, that individual must possess the following qualifications:

- (a) 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
- (b) Documented experience of ten or more years in the field of business and financial management.

(a) 9. STATEMENT ON ANNUAL REPORT

For purposes of providing a charter school's annual report to parents and guardians of children enrolled in the charter school, a charter school may make a copy of such report available online, at the charter school, or at a properly noticed meeting of the governing board.

(a) 10. DESCRIPTION OF GOVERNANCE STRUCTURE

(i)(II) The statement describing the governing board's duties should, at a minimum, include:

- (a) A description of the governing board's function, duties, and composition;
- (b) A statement setting forth how and when members shall be selected, how long they shall serve, and how members may be removed from office;
- (c) A statement describing how the governing board will uphold the school's mission and vision, review and appraise the principal's performance, ensure effective organizational planning, and help ensure financial stability;
- (d) A statement disclosing any potential conflicts of interest of the founding governing board members;

(e) A statement describing how current and future governing board members shall avoid conflicts of interest; and

(f) A description of the governing board's role in resolving teacher, parent, and student grievances and other conflicts.

(ii) Charter school governing board members shall not be prohibited from serving on multiple charter school governing boards, provided such individuals comply with the conflicts of interest provisions set forth in the Rule and this Guidance.

(g) VIRTUAL CHARTER SCHOOL PETITIONS

In addition to the standard checklist requirements, any petition, amendment, or other document that allows for the use of virtual instruction in a charter school, whether start-up, conversion, state chartered special school, or otherwise, should also address each of the following areas:

1. Location

(i) A virtual charter school shall maintain a physical facility in the State of Georgia for administrative functions. Provide a description and the address of the physical facility.

(ii) Verify that the physical facility described above is not located in a private residence.

2. Attendance Zone

(i) State the precise attendance zone. If the proposed attendance zone encompasses more than one local school district, please include documentation that the other district(s) have approved the charter petition.

(ii) In addition, if there is any agreement, financial or otherwise, with an LEA governing enrollment, funding, or any other subject matter, include a copy of the agreement with the petition.

3. Access

(i) Transportation: Considering that virtual charter schools typically incorporate in-person interaction to some extent, describe how the school will ensure student attendance at these activities.

4. Instructional Need

(i) Describe the specific student instructional needs the school will meet (*i.e.*, explain demonstrated needs, how course offerings meet those needs, etc.).

(ii) Provide any data that demonstrates the instructional needs stated above.

(iii) Describe the needs served by the proposed school that currently are un-served or under-served by the Georgia Virtual School.

5. Enrollment

(i) Indicate whether the school will set a maximum student enrollment during each year of the requested charter term, and if so, provide the predicted annual enrollment caps.

6. Teachers, Administrators, and Other Faculty

(i) Explain how the school will screen teacher candidates to select faculty members that perform effectively in a virtual environment.

(ii) Roles of teachers beyond instruction

(I) Describe what, if any, additional responsibilities will be required of teachers in the virtual environment (*e.g.* course development/design, research, website maintenance).

(II) Indicate how the school communicates these responsibilities to teachers.

(iii) Teacher Accountability: Describe teacher performance assessment measures and procedures (*e.g.* observing lessons, ensuring alignment of instruction to student needs, auditing student performance tracking instruments).

(iv) Indicate any non-teacher faculty members (paraprofessionals, guidance counselors) and describe their roles and how they will function in the virtual school.

(v) Describe professional development opportunities that the school will furnish or otherwise provide to maximize the faculty's effectiveness in a virtual environment.

7. Instructional Program

(i) Indicate the level of participation in instructional activities students will be required to meet to receive credit for successfully completing a course and receive a satisfactory grade for that course. The level of participation may include the amount of time students will be engaged in both online and other instructional activities in order to receive credit for a course.

(ii) Describe how cooperative and group learning activities will be integrated in the instructional program.

(iii) Describe how the instructional program will address different student needs and learning styles.

8. Achievement/Assessment

(i) Explain how the school will administer all required standardized tests, such as the CRCT, the GHS GT, EOCTs, and other assessments.

(ii) Standardized Test Scores

(I) Explain how your charter school's assessments will measure student improvement and describe the performance-based goals you have set for your student population.

(II) Explain how the virtual school will tailor its instructional approach during the pendency of its charter term if certain student achievement goals are not met.

(III) Describe the virtual school's plan for the appropriate administration of required state assessments. The plan should address, *inter alia*, test taking location(s) and who will administer the tests.

9. Student Accountability

(i) Attendance:

(I) Describe procedures to ensure compliance with the 180-day requirement.

(II) Describe the school's policies regarding truancy, absence, and withdrawal.

(III) Describe the intervention procedures the school will take when students are not participating as required.

(ii) Content/Assignment Mastery:

(I) Describe procedures to ensure the integrity and authenticity of student work product and assessment scores.

(II) Describe the intervention procedures the school will take when students fail to provide authentic work product or assessment responses.

(iii) Describe what role parents/guardians will have in promoting accountability.

10. Student Social Needs

(i) Describe how virtual instruction and activities will be geared to develop and nurture social needs of students.

(ii) Describe any specific extra-curricular activities that will be offered to develop and nurture the social needs of students.

11. Communication between School and Parents

(i) Indicate the nature, frequency, and location of all required in-person meetings between parents and school faculty, such as parent/teacher conferences.

(ii) Indicate the nature and frequency of all optional opportunities for in-person meetings and interactions, such as open houses and school community meetings.

(iii) Describe the procedures for parents to contact school faculty with concerns of any nature and the procedures for prompt and helpful responsiveness to such communications.

(iv) Explain how school administration will communicate with non-English speaking parents/guardians.

12. Technology and Technological Support

(i) Describe all technological equipment and services that the school will provide, including hardware, software, connectivity, and media storage devices.

(I) State specifically any equipment that students and families will be responsible for obtaining.

(II) State specifically any technological support for which students and families will be responsible.

(ii) Describe the scope of technical support that will be provided.

(I) Specify where the support staff will be located.

(II) Describe the hours (including weekends and holidays) and manner in which the support will be accessible to students and families.

(iii) Describe the school's data retention and confidentiality procedures.

(iv) Describe the school's Acceptable Use Policy.

(v) Describe procedures to deliver instruction when equipment, software, or connectivity at any location is lost or impaired.

(vi) Describe data protection and recovery procedures in event of catastrophic system failure.

13. Identifying and Serving Students with Special Needs

(i) Describe how qualified staff will identify students with special needs in the virtual school environment.

(ii) Describe how the school will provide high quality services to all enrolled students with special needs regardless of where the student resides.

(iii) Describe the school's procedures for ensuring that students with disabilities are identified and receive all services needed to comply with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and the Americans with Disabilities Act (ADA) and related state and federal laws and regulations.

(iv) Describe the school's procedures for Individual Education Plan (IEP) meetings, including determining where such meetings will occur.

(v) Describe how the school will implement ADA and Rehabilitation Act standards for accessibility to web-based curricula.

14. English for Speakers of Other Languages (ESOL)

(i) Explain how the school will accommodate English Language Learners (ELL) and address their unique needs in online and offline instruction and activities.

15. Health and Safety

(i) Describe how the school will provide for the health and safety of students and staff both in online and offline activities.

(ii) Describe how the school will address the nutritional needs of students when appropriate.

(7) CHARTER AMENDMENTS

(a) A charter school may submit a proposed amendment at any time during the charter term, provided, however, that a charter school may not submit a proposed amendment during the last six months of the term prior to renewal. To take effect, an amendment must be approved by the governing board of the charter school, the local board, and the SBOE and must be in compliance with the existing Charter Schools Rule and law. The amendment process is designed to apply only to substantial changes in the charter's terms and conditions.

Upon request, the Department will provide specific guidance to petitioners to determine whether an amendment is required in any specific instance and may approve administrative clarifications of existing charters.

(9) ALLOTMENT OF FUNDS

(b) The local board and the state board are required to treat start-up charter schools no less favorably than other local schools with respect to the provision of funds for instruction, school administration, transportation, and food services. In determining the amount of funds to which a charter school is entitled under this requirement, the local school board shall take into account the number of students enrolled in the start-up charter school and the proportionate share of funds such students earn. For the purpose of calculating the transportation and food service funding required to be paid to start-up charter schools, local boards shall develop a ratio that takes into account total district spending on transportation and food service and then determine the proportionate share to which any start-up charter school is entitled. Such share shall be based on the actual enrollment in the start-up charter school. Notwithstanding the requirement to provide transportation and food service funding, local boards and start-up charter schools may enter into a separate agreement that allows the district to provide transportation services and food service in lieu of the proportionate cash payment otherwise required