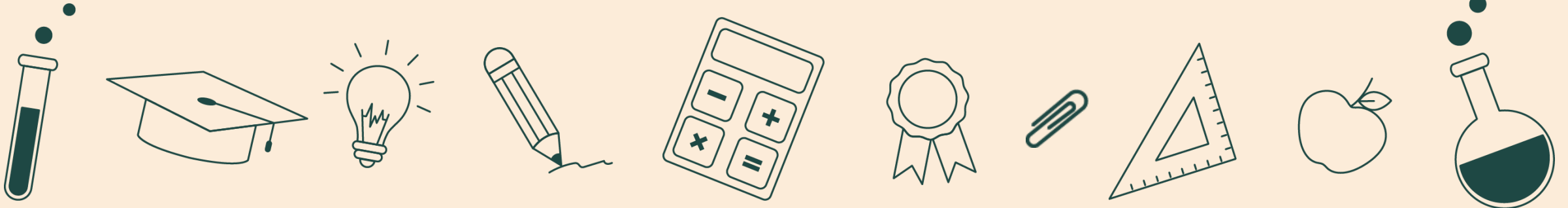




LEA Oversight for Governing Board Members

State Charter Schools Commission
Tiffany Leach, Associate General Counsel



Presentation Overview



LEGAL OVERVIEW &
MONITORING



FEDERAL LEGAL
OBLIGATIONS



STATE LEGAL
OBLIGATIONS



SCSC
COMMUNICATIONS
POLICY



OVERSIGHT BEST
PRACTICES

Learning Goals



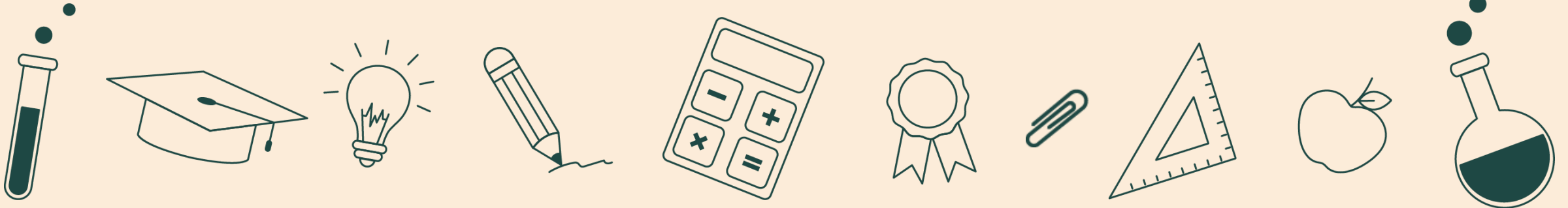
Provide an overview of relevant federal and state laws that state charter school governing boards must oversee compliance and implementation.

Review SCSC Communications Policy and board oversight best practices.





Legal Overview



Local Education Agency

O.C.G.A. § 20-2-2090

For administrative purposes, including data reporting, student enrollment counting procedures, student achievement reporting, funding allocations, and related purposes as defined by the State Board of Education (SBOE), each state charter school, including any students receiving education services through a state charter school shall, consistent with Georgia Department of Education (GaDOE) rules and regulations, be treated as a single local education agency (LEA).



Locally Approved Charter Schools

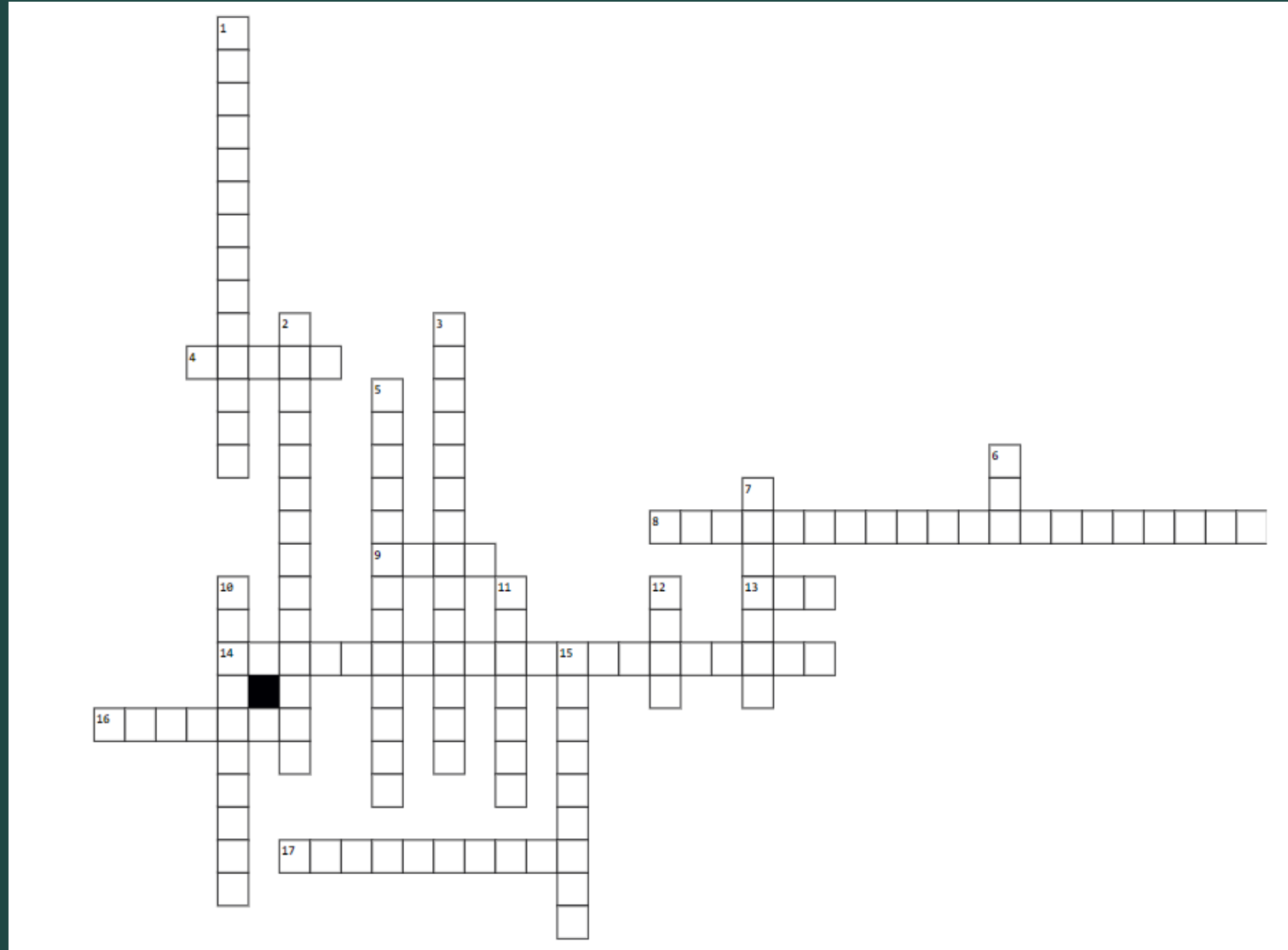
- The charter school is authorized by a local board of education.
- The local board of education is the LEA for the school.
- The local district manages:
 - LEA reporting obligations
 - Policy development
 - Funding
 - Special Education Services
 - English language learner services
 - Gifted services
 - Human resources and employer obligations

State Charter Schools

- State Charter Schools are their own LEA
- State charter schools manage *all* LEA responsibilities and are responsible for ensuring awareness of and compliance with all applicable legal, regulatory, and contractual obligations



LEA Oversight Crossword Puzzle



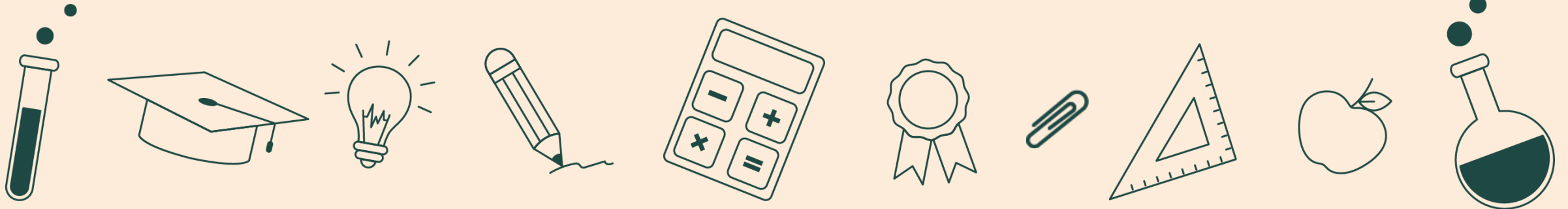
Monitoring SCSC Rule 691-2-.03

The SCSC annually monitors all state charter schools to review, evaluate, and determine the charter schools' attainment of its performance goals and operational compliance.

Operational monitoring measures compliance with state and federal charter school laws, rules, regulations, charter contract terms; and any other rule or law applicable to the state charter school.



Federal Legal Obligations



Federal Legal Obligations


Federal Laws Directly Applicable to Schools and LEAs	Federal Laws Applicable as a Result of Georgia Accepting Specific Grants
Civil Rights Act of 1964	Every Student Succeeds Act (ESSA)
Americans with Disabilities Amendments Act and Section 504 of the Rehabilitation Act	Individuals with Disabilities Education Improvement Act (IDEA)
Title IX of the Educational Amendments Act of 1972	
Age Discrimination of 1975	
Family Educational Rights and Privacy Act (FERPA)	
Protection of Pupil Rights Amendment (PPRA)	

Federal Civil Rights Statutes (Students)

- The Civil Rights Act of 1964 (Title VI)
- The Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act
- Title IX of the Education Amendments
- The Age Discrimination Act

Federal Employment Law (Staff)

- Family Medical Leave Act
- Fair Labor Standards Act
- Age Discrimination in Employment Act (ADEA)
- Pregnancy Discrimination Act



Individuals with Disabilities Education Act (IDEA)

- Free and Appropriate Public Education (FAPE)
- Child Find
- Evaluation and Placement (LRE)
- IEP
- Procedural Safeguards
- Discipline

McKinney-Vento Homeless Assistance Act

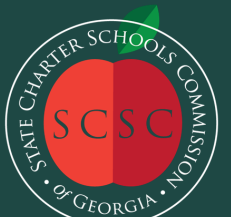
- Prohibits Segregation
- Requires Comparable Services
- Local Liaison for Homeless Youth
- Enrollment
- Transportation



Privacy and Confidentiality

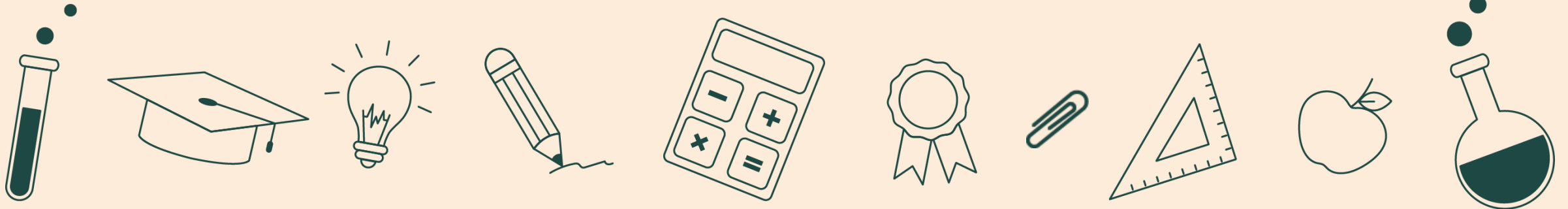


- Family Educational Rights and Privacy Act (FERPA)
- Protection of Pupil Rights Amendment (PPRA)





State Legal Obligations

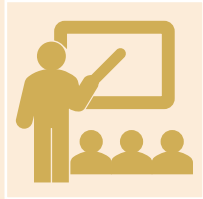




State charter schools cannot waive the following state laws:



Requirement for school to be public, nonsectarian, nonreligious, nonprofit, and not home-based



Supervision of the school by the SBOE and SCSC



Any federal, state, and local rules, regulations, court orders, and statutes related to insurance, protection of the physical health and safety of school students, employees, and visitors

Prevention of unlawful conduct near a public school



Requirement to be subject to an annual financial audit



State charter schools cannot waive the following state laws:



The requirement to be included in the Single Statewide Accountability System (SSAS)(O.C.G.A. § 20-14-26)



Requirements for reporting data to the SBOE or GaDOE, including student data and financial reporting



Prohibition of charging tuition or fees (O.C.G.A. § 20-2-133)



Requirement to provide a brief period of quiet reflection (O.C.G.A. §20-2-2050)



Requirement to conduct fingerprinting and criminal background checks of employees (O.C.G.A. § 20-2211.1)



State charter schools cannot waive the following state laws:



Requirements related to the provision of individual graduation plans for students prior to the conclusion of the second semester of 8th grade (O.C.G.A. § 20-2-327)



Requirements for academic curriculum to align with the state-adopted curriculum



Requirements related to the administration of state-adopted assessments



The use of the teacher and leader evaluation system adopted by the SBOE



Open Enrollment

OCGA § 20-2-2066

Open enrollment for all students within attendance zone

No improper restrictions on enrollment

Enrollment priorities

Lottery Procedures OCGA § 20-2-2066

When the number of applications exceeds the capacity of the program, class, grade level, or building of the state charter school, the state charter school must conduct an admission lottery that is a random selection process to ensure that all applicants that do not have an enrollment preference have an equal chance of being admitted.



Tuition and Fees

OCGA § 20-2-2065

1

Cannot charge tuition or fees to students within the attendance zone specified in the school's charter.

2

Cannot require students to provide materials or equipment to participate in the educational program of the school.

3

All required textbooks and other reading materials for students enrolled in the school must be provided free of charge.

Students

- Student Code of Conduct- OCGA § 20-2-735
- Bullying Policy- OCGA §20-2-751.4
- Parents' Bill of Rights- OCGA §20-2-786
- Protect Students First Act- OCGA §20-1-11

Teachers

- Clearance certificate and background check requirements (O.C.G.A. § 20-2-211.1)
- Employee Evaluations (TKES and LKES) (O.C.G.A. § 20-2-210)
- Teachers Retirement System of Georgia (TRS) (O.C.G.A. § 47-3-1)

Annual Operating Budget § 20-2-167.1

- Annual operating budget approval requirements
- Public Hearings
- Posting of a budget summary
- Website Transparency

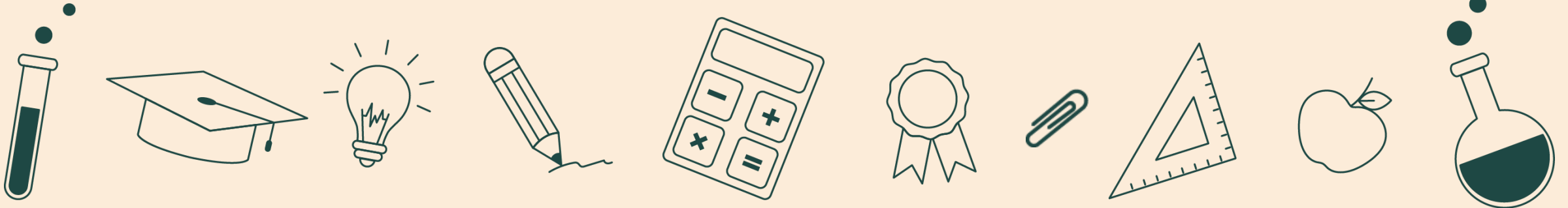
Health and Safety



- School Health Nurse Program (O.C.G.A. § 20-2-771.2)
- Infectious Disease Policies (SBOE Rule 160-1-3-03)
- Care of students with Diabetes (O.C.G.A. § 20-2-779)
- Seizure Action Plans (O.C.G.A. § 20-2-779.3)
- Water Safety Information (O.C.G.A. § 20-2-779.4)
- Facilities- GaDOE Requirements
- Safety Plan (O.C.G.A. § 20-2-1185)
- Sudden Cardiac Arrest Session and Information (OCGA § 20-2-324.5.)
- Suicide Prevention Policy (O.C.G.A. § 20-2-779.1)
- Reporting Child Abuse (O.C.G.A. § 19-7-5)
- Mandated process for student reporting of sexually inappropriate behavior by staff (O.C.G.A. § 20-2-751.7)



SCSC Communications Policy



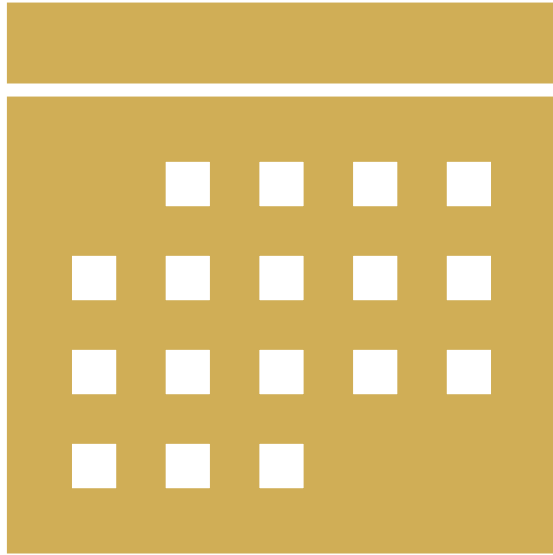
SCSC Communications Policy

The State Charter Schools Communication Policy (*Policy*) is an administrative procedure that establishes minimum communication standards for state charter schools to report to the State Charter Schools Commission of Georgia (SCSC). The Policy requirements are in addition to, not a replacement of, reporting obligations established by the charter contract, SCSC rules, State Board of Education (SBOE) rules, and state and federal law.

SCSC Communications Policy

- Became effective January 25, 2023
- Reports must be submitted using the SCSC web form [here](#)
- Immediate notice is required for conditions that immediately disrupt charter school operations or otherwise threaten the health, safety, or welfare of the school's students, staff, or visitors.

SCSC Communications Policy: What should state charter schools report?



- General Notice: Within five (5) calendar days of awareness:
- New governing board members (role, appointment date, email, and phone number)
- Amendments to the governing board's bylaws
- Adoption or amendment to the school's calendar to include a copy of the calendar
- Termination, resignation, or separation of key personnel (highest-level administrator, ED, School Leader, Superintendent, CEO, CFO) include effective date
- Hiring or appointment of key personnel (highest-level administrator, ED, School Leader, Superintendent, CEO, CFO) include the effective date

SCSC Communications Policy: What should state charter schools report?



General Notice: Within five (5) calendar days of awareness:

- Assumption of debt more than \$10,000.00
- Budget deficit or shortfall
- Financial conditions impacting operations in accordance with charter
- Intent to enter any ESP agreement
- Legal Complaints or litigation against the school or any governing board member in their official capacity
- Initiation and disposition of administrative hearings or investigations by local, state, or federal agencies



SCSC Communications Policy: Immediate Notice

Immediate Notice: Within 24 hours of awareness:

- Circumstances placing the health, safety, or welfare of students, staff, volunteers, or visitors at risk
- Circumstances that impair or prevent implementation of the education program
- Initiation of the school safety plan procedures (does not include practice drills)
- Circumstances threatening the school's ability to operate
- Unanticipated school closures
- Scheduled or unanticipated disruptions to the school's communication systems (phone, website, digital communication, or data, information, or physical security breaches).

SCSC Communications Policy



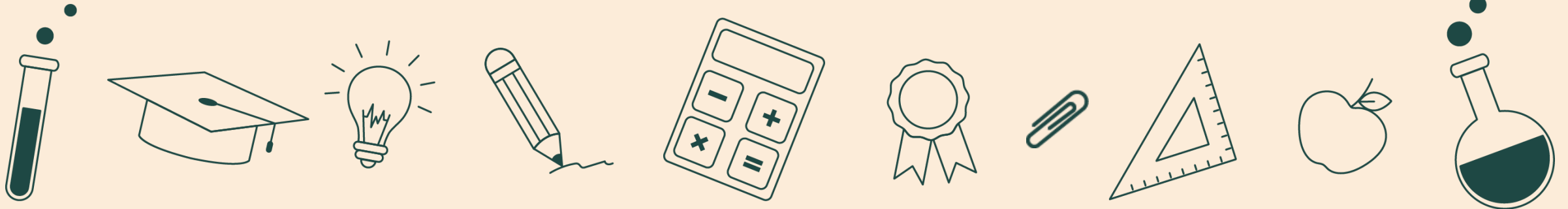
Governing Board Meetings

In addition to adhering to the specific notice requirements in the Open Meetings Act, O.C.G.A. § 50-14-1 et seq., if the governing board schedules any meeting other than a regularly scheduled meeting with less than twenty-four (24) hours' notice, the Governing Board shall provide written notice of the meeting to the SCSC Executive Director, or designee, immediately after scheduling the called meeting.





Oversight Best Practices

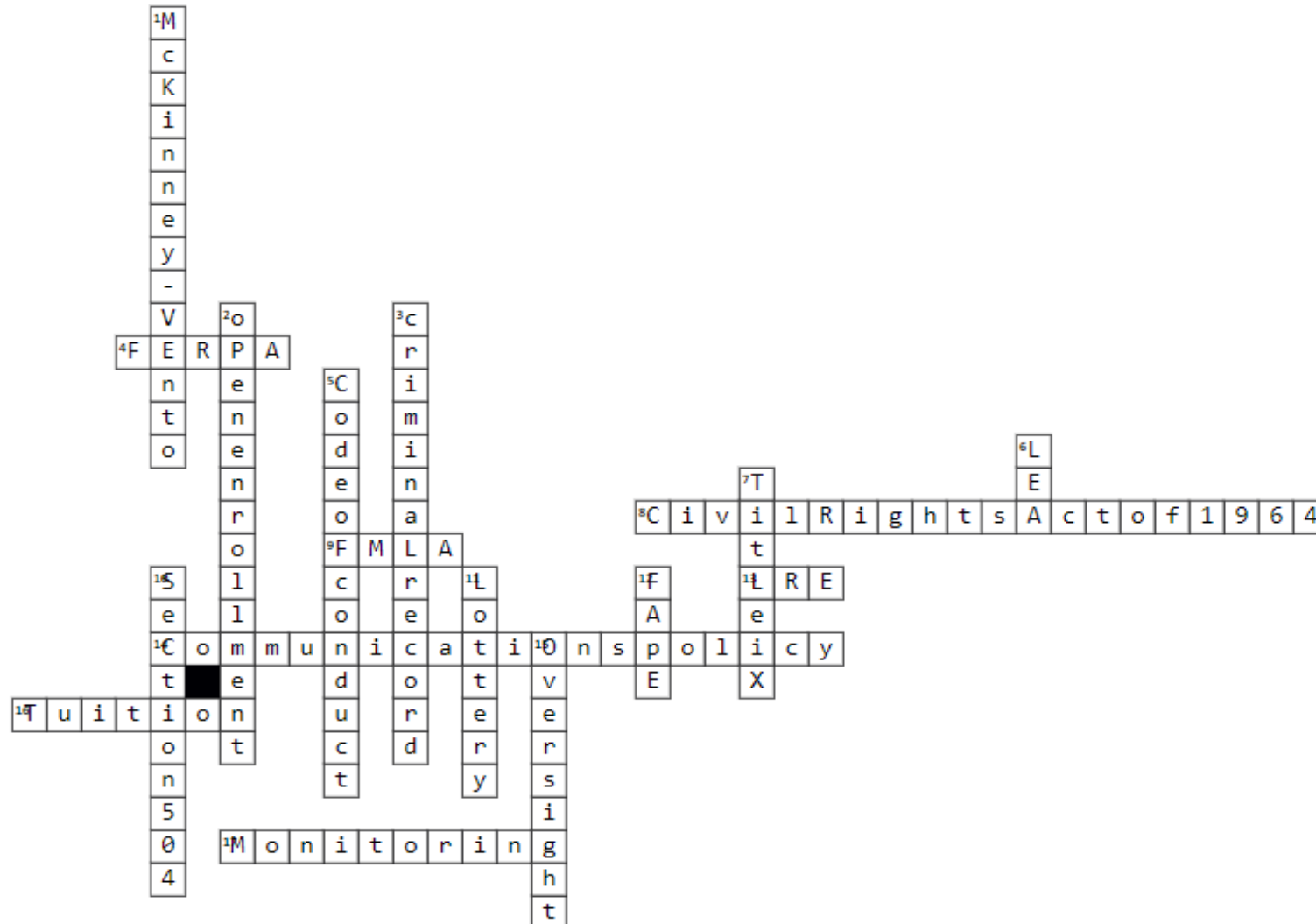


Governing Board Oversight Best Practices

- Review school policies annually (at a minimum) and update as needed
- Review annual legislative guidance issued by the SCSC
- Consult with the school's independent legal counsel for implementation guidance
- Review and implement SCSC policy announcements and reminders (newsletters, public board meetings, meeting minutes, website)
- Designate board members or committees to monitor policy and legal developments
- Develop a procedure to monitor the school's compliance and implementation with established policies
- Ensure school administration reviews and implements as appropriate weekly GaDOE Superintendents' email announcements and guidance
- Consult SCSC school resources on the SCSC website and administration portal



LEA Oversight Crossword Puzzle - Check Your Answers!



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