

State Charter Schools Commission of Georgia

Recommendation to Adopt Rules

Recommendation: It is recommended that the State Charter Schools Commission adopt amended rule 691-2-.01 Definitions and rules 691-2-.08 State Charter School Expansion and 691-2-.09 Transfer to State Charter Schools Commission Authorization, in accordance with the Georgia Administrative Procedure Act.

Rationale: The staff is recommending the adoption of these rules to clarify terms in existing SCSC guidance and new rules; to ensure that the SCSC maintains the ability to control its budget; and to align SCSC practices for schools seeking to transfer to SCSC authorization with those for start-up schools.

Summary of Rules: *691-2-.01 Definitions*

This rule provides the definitions that apply to all rules and regulations of the State Charter Schools Commission. The amendment to this rule adds definitions for “charter school replication” and “charter school expansion” to the existing text.

691-2-.08 State Charter School Expansion

This rule provides that all charter contracts between the State Charter Schools Commission and a state charter school shall contain an enrollment limit, which establishes the maximum number of students the state charter school can enroll at any point during its charter term. The rule further provides that state charter schools may not significantly increase enrollment without prior SCSC approval. Lastly, the rule provides that enrollment limits may be modified through an amendment to the charter contract. This rule allows the SCSC to control growth.

691-02-.09 Transfer to State Charter Schools Commission Authorization

This rule provides that the State Charter Schools Commission shall not consider a petition for transfer to State Charter Schools Commission authorization from an existing charter school until the existing charter school has received notice from its local authorizer that the authorizer will or intends to terminate or non-renew the charter contract. This rule aligns the petition requirements for schools wishing to transfer to State Charter Schools Commission authorization with the petition requirements for start-up charter schools, until the State Board of Education and State Charter Schools Commission establish a code of principles and standards of charter school authorizing as required by O.C.G.A. § 20-2-2063.3(a).

691-2-.01 Definitions

The following definitions shall apply to all rules and regulations of the State Charter Schools Commission:

(a) **Admission lottery** – a random selection process to ensure that all applicants that do not have an enrollment preference have an equal chance of being admitted if the number of applications exceeds the capacity of a state charter school program, class, grade level, or building.

(b) **Attendance zone** – the geographical area from which a state charter school may enroll students.

(c) **Charter** – a performance-based contract between the charter authorizer(s) and a charter petitioner. By entering into a charter, a charter petitioner and the charter authorizer(s) shall be deemed to have agreed to be bound to all the provisions of the Charter Schools Act, O.C.G.A. § 20-2-2060 et. seq., and all State Board of Education and State Charter School Commission of Georgia rules and guidelines implementing the Charter Schools Act as if such terms were set forth in the charter.

(d) **Charter petition** – a proposal or application to establish a charter school.

(e) **Charter petitioner** – the entity that submits a petition for a charter. The term “charter petitioner” does not include home study programs or schools, sectarian schools, religious schools, private for profit schools, private educational institutions not established, operated, or governed by the State of Georgia, or existing private schools.

(f) **Governing board** – the governing board of the nonprofit organization which is the charter petitioner for a state charter school and which is the same as the governing board of the state charter school which is involved in school-level governance of the state charter school.

(g) **Local board of education** – a county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V, Paragraph II of the Georgia Constitution.

(h) **Local Education Agency** – a local school system, school district, or state charter school.

(i) **State Board of Education (SBOE)** – the authority which defines education policy for the public K-12 education agencies in Georgia.

(j) **State charter school** – a school authorized by the State Charter Schools Commission pursuant to this article whose creation is authorized as a special school pursuant to Article VIII, Section V, Paragraph VII of the Constitution. A state charter school shall be a public school.

(k) **State Charter Schools Commission of Georgia** – the state-level charter school authorizer established by O.C.G.A. § 20-2-2082.

(l) **Charter school replication** - the creation of a second (or subsequent) charter school that utilizes the instructional program and/or academic model of an existing charter school but operates under a separate and independent charter contract.

(m) **Charter school expansion** - growth of an existing state charter school by significantly increasing student enrollment above the enrollment limit in the charter through the addition of grades, classes, or campuses/sites. Expansion shall occur by amendment of an existing charter contract.

Authority: O.C.G.A. §§ 20-2-2081; 2091.

Rule 691-2-.08 State Charter School Expansion

(1) **Enrollment Limits.** Each charter between the SCSC and a state charter school shall specifically state the total maximum number of students that the state charter school can enroll at any point during its charter term. Charter enrollment limits may only be modified after SCSC approval through amendment of the charter. For any charter contract that does not include an enrollment limit as of the effective date of this rule, the enrollment limit shall be set at 1.05 times that state charter school's preceding October total Full-Time Equivalent (FTE) enrollment count, as reported by the Georgia Department of Education (GaDOE).

(2) **Amendment of Enrollment Limits.** State charter schools may not undergo expansion without prior approval by the SCSC. A state charter school seeking to amend the enrollment limit in its charter shall submit a written charter amendment request from its governing board chairperson or his or her authorized designee to the SCSC Executive Director. The SCSC Executive Director shall determine whether the requested expansion constitutes a significant increase to the school's enrollment limit. Requests for charter school expansion shall, at a minimum, include the following:

- (a) The number of grades or classes to be added, if applicable;
- (b) The new proposed grade range and the proposed performance measures for additional grades, if applicable;
- (c) The rationale and/or justification for the requested modification;
- (d) The new proposed enrollment limit;
- (e) The rationale for increasing the state charter school's enrollment limit;
- (f) A proposed budget for the increase or decrease in total students served; and,
- (g) Contact information for the designated point of contact.

Authority: O.C.G.A. § 20-2-2091.

Rule 691-2-.09 Transfer to State Charter Schools Commission Authorization.

Until such time that the State Board of Education and the State Charter Schools Commission of Georgia (SCSC) jointly establish a code of principles and standards of charter school authorizing as required by O.C.G.A. § 20-2-2063.3(a), the SCSC shall not consider a petition by an existing charter school to transfer to SCSC authorization unless the existing charter school has received notice from its local authorizer that the authorizer will or intends to terminate or non-renew the charter contract. This rule shall be interpreted consistent with the requirements of O.C.G.A. § 20-2-2063.3 and O.C.G.A. § 20-2-2085.

Authority: O.C.G.A. §§ 20-2-2091; 2063.3; 2085