

**State Charter Schools Commission of Georgia**  
**Notice of Proposed Rulemaking – January 25, 2023**

Pursuant to O.C.G.A. § 50-13-4, all interested parties are notified that the State Charter Schools Commission of Georgia (SCSC) is initiating rulemaking procedures to amend SCSC Rule 691-2-.06 State Charter School Sites and Facilities.

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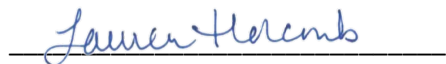
Rulemaking authority is pursuant to O.C.G.A. §§ 20-2-2083 and 2091. A synopsis and exact copy of the proposed amended rule are attached to this notice and may be viewed in their entirety at <http://scsc.georgia.gov>. Underlines represent additions and strikethroughs represent deletions.

All interested persons are invited to submit data, views, or arguments, orally or in writing, regarding the proposed amended rule. Written statements may be submitted electronically at <http://scsc.georgia.gov> by March 15, 2023 or by mailing a copy to the following address by March 13, 2023:

State Charter Schools Commission of Georgia  
c/o Erin Wright, Deputy General Counsel  
205 Jesse Hill Jr. Drive, SE  
Atlanta, Georgia 30334

Alternatively, oral comments may be submitted by contacting the SCSC at (404) 656-2837 by March 15, 2023.

The SCSC will consider the adoption of the proposed amended rule at its meeting on March 29, 2023, at 10 a.m. in the State Charter Schools Commission of Georgia Board Room located at 205 Jesse Hill Jr. Drive, SE, East Tower, 13<sup>th</sup> Floor, Atlanta, Georgia 30334. Individuals wishing to speak at the meeting must contact Crystal Saldana at [crystal.saldana@scsc.georgia.gov](mailto:crystal.saldana@scsc.georgia.gov) and are encouraged to also submit their comments in advance pursuant to the process included in this notice.



Lauren Holcomb

Executive Director, State Charter Schools Commission of Georgia

**State Charter Schools Commission of Georgia**  
Synopsis of Rule 691-2-.06 State Charter School Sites and Facilities

The State Charter Schools Commission of Georgia (SCSC) proposes the amendment of Rule 691-2-.06 State Charter School Sites and Facilities. The rule amendment requires any state charter school that intends to use, lease, occupy, purchase, remodel or renovate a site, building, or facility through an arrangement with an Education Service Provider (ESP) to submit a written agreement for the arrangement to the SCSC Executive Director and receive approval of the agreement prior to execution.

The rule amendment also defines a facility change and procedures for changing facilities. Finally, the rule provides remedies for non-compliance.

## 691-2-.06 State Charter School Sites and Facilities

(1) **Sites and Facilities in General.** All state charter schools must ensure a safe and healthy school environment that creates a conducive learning environment and protects the well-being of students and employees. Each state charter school must comply with all applicable laws, rules, regulations, and provisions of its charter contract relating to the school's site and facilities or any material modifications thereto.

(2) **Site and Facility Approval.** All state charter schools must obtain a site code, facility code, and school code the Georgia Department of Education (GaDOE) prior to utilizing any site or facility for serving students. Each state charter school is responsible for adhering to the process or procedures outlined by GaDOE for the issuance of site codes, facility codes, and school codes.

### (3) Required Documents.

(a) ~~—(a)~~ Any state charter school that utilizes a facility ~~that~~ it does not own shall execute a written lease or rental agreement with the appropriate party ~~for use of~~ to use the facility as a charter school. State charter schools must submit the final draft lease or rental agreement to the SCSC Executive Director prior to executing any lease or rental agreement. State charter schools must submit any amendment to a lease or rental agreement to the SCSC Executive Director prior to executing the amendment.

(b) ~~—(b)~~ Any state charter school that purchases a facility using proceeds from a loan, bond, or other form of debt shall submit the loan, bond, or other financing agreement to the SCSC Executive Director for review ~~submit a copy of the note or bond to the SCSC Executive Director within thirty~~ (30) days ~~before of~~ closing on the facility's purchase.

(c) Any state charter school that intends to use, lease, occupy, purchase, remodel, or renovate a site, building, or facility through an arrangement with an Education Service Provider (ESP) shall enter a written agreement for such use, lease, occupancy, purchase, remodel, or renovation. State charter schools shall submit a final draft of the written agreement required by this subsection to the SCSC Executive Director and receive prior written approval before executing the agreement.

(c) ~~—(e)~~ Each state charter school shall obtain and display a Certificate of Occupancy for its facility prior to occupancy. Each state charter school shall maintain a valid Certificate of Occupancy throughout its entire charter term.

(d) ~~—(d)~~ Each state charter school shall prepare a safety plan in accordance with O.C.G.A. § 20-2-1185 and must submit such plan to the local emergency management agency that

oversees the area in which the school is located no later than July 1 each year of its charter term.

~~(e) (e)~~ Each state charter school shall secure adequate insurance coverage prior to occupancy and ~~shall~~ maintain adequate coverage throughout the charter term.

(4) **Changing Facilities.** A state charter school shall not change facilities without prior written ~~prior written~~ approval from the SCSC Executive Director.

(a) The terms change facilities, facility change, or changing facilities mean changing the location of a charter school's building, facility, or site; entering a new lease or purchase agreement for a building, facility, or site; terminating or not renewing a lease or purchase agreement for a building, facility, or site; or beginning negotiations to terminate, non-renew, or enter a purchase or lease agreement for a building, facility, or site.

(b) A charter school shall not change facilities less than ten (10) months prior to the beginning of a new school year, except as expressly authorized in writing by the SCSC Executive Director.

(c) A state charter school shall only change facilities by majority vote of the state charter school's governing board in a public meeting that meets the requirements of O.C.G.A. § 50-14-1 et seq.

(d) A state charter school shall notify the SCSC that it will change facilities no later than twenty-four (24) hours after the governing board's vote to change facilities.

(e) A state charter school changing facilities shall adhere to ~~Paragraphs (2) and (3) of all~~ applicable provisions of this Rule and all SCSC facility requirements. -

(5) **Adding or Expanding Facilities.** A state charter school shall not add or expand facilities during the term of its charter contract without prior written approval from the SCSC Executive Director. The addition or expansion of facilities must be consistent with the SCSC's rules, guidance, and policies regarding school expansion and replication. A state charter school adding or expanding facilities during the charter term shall adhere to all Paragraphs (2) and (3) of applicable provisions of this rule and SCSC facility requirements. this Rule. State charter schools utilizing multiple sites or facilities must comply with all open enrollment requirements ~~as~~ described in O.C.G.A. § 20-2-2066 and SCSC Rule 691-2-.05.

(6) **Safety and Security.** Each state charter school must take reasonable steps to ensure the safety and security of students, employees, and visitors, including but not limited to, ensuring the facility is clean and in good repair; remediating any visible safety concerns in a timely manner; and taking steps to protect the campus from potential intrusion.

(7) **Asbestos Remediation.** All state charter schools must comply with the Asbestos Hazard Emergency Response Act (AHERA) and the terms of any applicable asbestos remediation plan.

(8) **Onsite Inspection.** Each state charter school shall allow the SCSC and its staff to conduct onsite inspections of any and all facilities or property either owned or utilized by the charter school. The SCSC or its staff may conduct such onsite inspections without prior notification to the charter school.

(9) **Compliance.** Failure to comply with the requirements of this Rule may result in one or more of the following:

(a) additional oversight by the SCSC;

(b) point deductions on the SCSC Comprehensive Performance Framework (CPF);

(c) probation;

(b) suspension; or,

(c) recommendation for termination.

Authority: O.C.G.A. §§ 20-2-2083; 2091. Adopted: June 29, 2016 Effective: July 20, 2016