



State Charter Schools Commission *of Georgia*
Office of Charter School Compliance

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**Synopsis of Proposed Amendments to
Rule 160-4-9-.05 Charter Schools Petition Process**

This rule is being initiated to amend State Board Rule 160-4-9-.05 to align local district and State Charter Schools Commission petition timelines and to update “Georgia Department of Education” to “Office of Charter School Compliance” as amended in state law by HB 318 during the 2023-2024 legislative session.

160-4-9-.05 CHARTER SCHOOLS PETITION PROCESS.

~~-(1) CHARTER PETITION PROCESS.~~

(a) LETTERS OF INTENT. All applicants, including renewal applicants, who intend to submit a charter petition for local board of education (local board) consideration, shall use the Office of Charter School Compliance (OCSC) ~~Department's~~ template to submit a letter of intent to both the ~~Department~~ OCSC and to the appropriate local board(s) at least six (6) months prior to the date on which the petition will be submitted to the ~~Department~~ OCSC. Petitioners should consult the ~~Charter Schools Division~~ OCSC website and consult with the applicable local school district(s) (local district) for timelines and requirements. Failure to submit a letter of intent shall not preclude an applicant from submitting a petition provided the applicant requests and receives a waiver for the letter of intent from both the ~~Department~~ OCSC and local district(s).

~~(b) CHARTER PETITION SUBMISSIONS TO LOCAL BOARDS.~~
TIMELINE. By September 1 of each year, every local district shall publish a timeline for submitting and reviewing start-up petitions on its respective website. The timeline must:

1. Establish a final petition submission deadline that is on or before January 1, unless the OCSC approves an alternative deadline in advance.

2. Identify the time frame between when the local board approves the charter petition and when the charter school is expected to begin serving students (pre-opening period). The pre-opening period shall be at least 6 months.

3. Require the local board to, by majority vote, approve or deny a petition no later than June 30.

(c) CHARTER SCHOOL PETITION. The OCSC shall create and publish the start-up and renewal charter petitions which must be used by local districts for the local petition process. No changes may be made to the OCSC petition by local districts or petitioners. If local districts request information not contained in the OCSC petition during the local petition process, these requests and the responses to them must be submitted to the OCSC after approval by the local board. No local district may require that assurances or agreements be made a condition of local approval other than those assurances that are part of the OCSC petition or part of the three-party charter contract issued by the OCSC.

(d) CHARTER PETITION SUBMISSIONS TO LOCAL BOARDS.

1. Local boards shall adopt policies and publish deadlines regarding submission of charter petitions that are consistent with the timeline and requirements for charter petitions as outlined in this Rule. The ~~Department OCSC~~ may request that a local board revise any policy that precludes the uniform application of this Rule. Such policies shall provide for an in-person panel interview by, or a meeting with, the local district to provide the local district an opportunity to hear from the petitioner directly about local district concerns or clarifications the local district needs.

2. Pursuant to O.C.G.A. § 20-2-2064(a) and (b), a local board must, by a majority vote, approve or deny a petition no later than ninety (90) days after its submission, unless the petitioner and the local board mutually agree, in writing, on a specific reasonable extension period. Extensions may only be granted for the purpose of revising or clarifying petitions already reviewed by the local district. The extension, if granted, may not extend the local board's vote to approve or deny a petition beyond June 30th without advance written approval from the OCSC. ~~the petitioner offers an extension and the local board accepts the offer.~~

3. If the local board denies a petition directly by a vote of the local board to deny or indirectly by failing to vote within the requisite ninety (90) day review period, it must, within sixty (60) days of the denial, provide a written statement of denial to the petitioner and to the State Board of Education. A written statement of denial shall specifically state the reasons for denial and include a list of the deficiencies in the petition relevant to O.C.G.A. § 20-2-2063. If the local board cites that approval is not in the public interest, the written statement of denial shall include a detailed description of why approval is not in the public interest.

4. Unless granted written approval by the ~~Department OCSC~~ of an alternate approach to accomplishing these robust petition review goals, within the ninety (90) days a local district has to review a charter petition, the local district shall provide a written statement to the petitioner indicating which of the following four groups the petitioner is in and, if appropriate, what they must do if they wish to revise and resubmit their petition:

(i) Rejection Group: These applications are flawed in some way that is irreparable and will be rejected for the current school year's Petition Review Cycle.

(I) The local district shall issue a rejection letter that informs such applicants that their application cannot be considered during the current school year's Petition Review Cycle.

(II) The rejection letter shall include a statement of the legal insufficiency that makes the petition irreparable.

(III) Applicants in this category are free to submit a brand new application in the following school year's Petition Review Cycle.

(ii) Revision Group: During the local district's initial internal review and panel interview with the applicant, these applicants demonstrate minimum quality and compliance or less, and would require substantial and material revisions before their petition could be recommended by the local district for approval by the local board ~~of education~~.

(I) The local district shall issue a letter informing these applicants that they cannot receive an approval recommendation unless the required material revisions are made within thirty (30) days. This letter shall include mention of the local district's agreement to the petitioner's granting the local district ninety (90) additional days to accept or reject its petition.

(II) If an applicant chooses to make the substantial and material changes required, they shall resubmit their petition within the thirty (30) day window. Their resubmittal letter shall include mention of their granting to the district ninety (90) additional days beyond the initial 90-day review period to accept or reject their petition.

(III) Applicants will have only one opportunity to revise their application to make the substantial and material changes required.

(IV) Applicants that fail to make required revisions will have to wait until the following school year's Petition Review Cycle to submit a new application.

(iii) Clarification Group: During the local district's initial internal review and panel interview with the applicant, these applicants demonstrate moderate quality and compliance or better, but require clarification and supplemental information to be submitted before their petition could be recommended by the local district for approval by the local board ~~of education~~.

(I) The local district shall issue a letter informing these applicants what clarification(s) and/or supplemental information is required. This letter shall include mention of the local district's agreement to the petitioner's granting the local district ninety (90) additional days to accept or reject its petition.

(II) If an applicant chooses to provide the required clarification(s) and/or supplemental information, they shall resubmit their petition within a thirty (30) day window. Their response letter shall include mention of their granting to the district ninety (90) additional days beyond the initial ninety (90) day review period to accept or reject their petition.

(III) Applicants will have only one opportunity to provide the required clarification(s) and/or supplemental information.

(IV) Applicants that fail to provide the required clarification(s) and/or supplemental information will have to wait until the following school year's petition review cycle to submit a new application.

(iv) Approval Group: During the local district's initial internal review and panel interview with the applicant, these applicants demonstrate near-perfect quality and compliance. For these applicants, the local district will make a recommendation to the local board ~~of education~~ for approval of the petition without any further action on the part of the applicant.

5. If a local board denies a petition, the local board or the petitioner may request mediation by submitting a written request to the State Board of Education within thirty (30) days of the final denial. If the other party agrees to the mediation, the State Board of Education, or Charter Advisory Committee if directed by the State Board of Education to do so, may assign a mediator to be paid by the ~~Department~~ OCSC but reimbursed equally by the local board and the petitioner to assist in resolving issues which led to the denial of the petition by the local board.

6. If a local board approves a petition, within thirty (30) days of the approval:

(i) The local board shall deliver a copy of the petition they approved to the ~~Department~~ OCSC.

(ii) The petitioner shall deliver the approved petition to the ~~Department~~ OCSC for review by the State Board of Education. The petition shall be in accordance with all ~~Department~~ OCSC requirements, including those related to formatting, as described in this Rule, on the ~~Charter Schools Division~~ OCSC website, and within the relevant charter school application.

(~~ee~~) CHARTER PETITION SUBMISSIONS TO THE ~~DEPARTMENT OF EDUCATION~~. OCSC.

1. Charter petitioners shall ensure that petitions adhere to all application requirements and related timelines as established by the ~~Department~~ OCSC pursuant to O.C.G.A. § 20-2-2063 and as outlined in this Rule. Petitioners that have applied to a local ~~school~~ district must also provide a copy of their petition to the ~~Department~~ OCSC within thirty (30) days of submitting their petition to the ~~school~~ local district. Petitioners should consult the ~~Charter Schools Division~~ OCSC website for applicable timelines and requirements. Failure to comply with timelines or requirements may delay or prohibit consideration of the petition until the following school year's petition review cycle.

(~~fd~~) CHARTER PETITION REVIEW PROCEDURES BY THE ~~DEPARTMENT OF EDUCATION~~ OCSC.

1. The ~~Department~~ OCSC shall process all charter petitions submitted to the ~~Department~~ OCSC on behalf of the State Board of Education as outlined in this Rule.
2. The ~~Department~~ OCSC shall coordinate with the Charter Advisory Committee, as applicable, to facilitate their review of petitions and their subsequent recommendations to the State Board of Education.
3. The ~~Department~~ OCSC reserves the right to reject incomplete and/or legally insufficient charter petition submissions.
4. The ~~Department~~ OCSC staff shall first review petitions to determine if they are complete and meet the legal requirements for submission, not so as to require approval but so as to allow further review.
5. If a charter petition is deemed to be deficient, the petition shall be rejected and the petitioner notified of the reasons for that rejection.
6. Those petitioners who have submitted a petition that is deemed to be complete and to meet the legal requirements for submission, shall attend an interview with ~~Department~~ OCSC staff as part of the petition review process. A majority of the members of the charter school governing board are required to be in attendance at the interview. The goal of the interview is to gauge the petitioner's overall capacity to sustain operations of a high-quality charter school with regard to academics, operations, governance, finance, and compliance with all non-waivable law, rules, and guidelines.
7. The ~~Department~~ OCSC shall make recommendations to the State Board of Education for approval or denial of a charter contract and shall specify to the State Board of Education the reasons for its recommendation.
 - (i) The maximum term for both initial and renewed charter contracts approved by the State Board of Education shall be five years.
8. Existing charter schools may not apply for renewal to a new authorizer. Existing charter schools seeking to switch authorizers must apply to the new authorizer as a new petitioner. Existing charter schools may petition the State Charter Schools Commission (SCSC) for approval as provided by O.C.G.A. § 20-2-2063.3(b)(2) or by O.C.G.A. § 20-2-2085 and in accordance with the policies and processes of the SCSC. Existing charter schools that meet the definition of a "high quality charter school" for the past three years (or over the life of the school, if the school has been open for fewer than three years) as established by the ~~Department~~ OCSC may be eligible for an expedited review in accordance with policies developed by the ~~Department~~ OCSC.

9. The local school governing team of a system charter school may petition to become a conversion charter school, not subject to the terms of the system charter. In the event that a system charter school becomes a conversion charter, the system shall reflect that change in their annual report.

(eg) REVIEW PROCEDURES FOR ~~DEPARTMENT-OCSC~~ REVIEW OF NEW AND RENEWAL CHARTERS GRANTED BY THE STATE CHARTER SCHOOLS COMMISSION.

1. The ~~Department-OCSC~~ shall review all approved charter contracts granted by the State Charter Schools Commission (SCSC), including both initial and renewed charters, along with the related petitions and other materials presented by SCSC staff to the SCSC members.

2. The ~~Department-OCSC~~ shall make recommendations to the State Board of Education regarding the State Board of Education's affirmation or overrule of all new or renewal charters, and where the recommendation is to overrule the SCSC's decision, shall specify the reasons for its recommendation to overrule the SCSC.

(2) CHARTER PETITION APPLICATION REQUIREMENTS FOR ALL CHARTER APPLICANTS. All charter school petition applications, including applications for renewal, shall meet the following minimum requirements pursuant to O.C.G.A. § 20-2-2063. Additionally, Charter school petition applications shall meet all formatting requirements included in the application.

(a) STATEMENT OF INTENT. A description of how the proposed charter school promotes the legislative intent of the charter schools program to "increase student achievement through academic and organizational innovation," in accordance with O.C.G.A. § 20-2-2061.

(b) STATEMENT OF GOALS AND OBJECTIVES. A list and detailed description of the petitioner's specific performance-based goals and measurable objectives. At a minimum, the list shall include goals and objectives that are aligned with state and federal assessment standards, measurable on at least an annual basis, attainable, and reflective of the mission set forth in the petition. The petition shall demonstrate that the performance-based goals and measurable objectives will result in continuous improvement in student achievement and will comply with the Single Statewide Accountability System.

–Failure to meet or exceed the specific performance and measurable objectives as defined in the charter contract may result in charter termination.

(c) DESCRIPTION OF INTENDED USE OF WAIVERS. A description of how the school shall utilize its broad flexibility from laws, rules, and regulations as permitted by O.C.G.A. § 20-2-2065(a). Schools cannot waive any federal, state, and

local rules, regulations, court orders, and statutes relating to civil rights; insurance; protecting physical and/or mental health and safety of school students, employees, and visitors; conflicts of interest; unlawful conduct; any reporting requirements of O.C.G.A. §§ 20-2-133, 20-2-210, 20-2-211.1, 20-2-320, 20-2-327(c); or virtual instruction requirements of O.C.G.A. § 20-2-167.1.

—The petition shall include illustrative examples of how the charter school will implement the flexibility granted by the broad flexibility waiver to meet or exceed the performance-based goals and to increase student achievement. Petitions shall explicitly describe what the increased flexibility will allow the petitioner to accomplish during the course of the charter term.

(d) PARENTAL AND COMMUNITY INVOLVEMENT. A description of how parents, members of the community, and other interested parties contributed to the development of the petition and how petitioner intends to secure their ongoing involvement in the school and in what capacity. A charter school shall not require parents or guardians to volunteer their time and/or contribute money or in-kind to the school as a condition of enrollment in the school. Any parent or guardian volunteer commitments must be optional to ensure open enrollment.

(e) DESCRIPTION OF THE EDUCATIONAL PROGRAM. A description of the following components of the school's educational program, including an explanation of how these components shall contribute to the achievement of the performance-based goals and measurable objectives:

1. The school's mission;
2. The ages and grades to be included;
3. The focus of the curriculum;
4. Instructional methods to be used, including any distinctive or unique instructional techniques or educational programs to be employed;
5. For students with disabilities, a description of how the school shall provide state and federally-mandated services; ensure individuals employed as special education teachers have a bachelor's degree and are either certified in special education or hold a special education license; and comply with all special education laws, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act, and the IDEA;
6. For English Language Learners, a description of how the school shall provide state and federally-mandated services;

7. A description of how the school intends to meet the needs of students identified as gifted and talented;

8. A description of how the school shall provide supplemental educational services as required by federal law and pursuant to State Board of Education Rule 160-4-5-.03. Supplemental Educational Services in Title I Schools, and a description of how the school shall provide remediation in required cases pursuant to State Board of Education Rule 160-4-5-.01. Remedial Education; and

9. The school's proposed annual calendar and a draft daily school schedule for a typical week.

(f) DESCRIPTION OF ASSESSMENT METHODS. A description of the school's student assessment plan, including the following components:

1. A statement detailing how the school shall comply with the accountability provisions of O.C.G.A. § 20-14-30 through § 20-14-41 and federal accountability requirements, including the manner in which the school shall work with the authorizer(s) to participate in statewide assessments.

2. A plan to obtain student performance data for each student, which shall include how the current baseline standard of achievement shall be determined in order to meet the petition's performance-based goals and measurable objectives. The data may include standardized assessment results from previous school years. For the charter school's first year, baseline student achievement data shall be collected within three months from the first day of school.

3. A plan to address how assessments shall measure improvement and over what period of time.

4. The school's plan for using assessment data to monitor and improve achievement for all students.

5. For charter high schools, a description of the method for determining that a student has satisfied the requirements for high school graduation as defined in SBOE Rule 160-4-2-.48 High School Graduation Requirements for Students Enrolling in the Ninth Grade for the First Time in the 2008-09 School Year and Subsequent Years.

(g) DESCRIPTION OF SCHOOL OPERATIONS. A description of the school's operations and management plan, including the following components:

1. The proposed duration of the charter if for a period of time less than the maximum five years.

2. The proposed attendance zone for the school, pursuant to O.C.G.A. § 20-2-2062(1.1).

3. A description of all rules and procedures that shall govern the admission of students to the charter school, including:

(i) A statement detailing whether the charter school shall utilize any enrollment priorities pursuant to O.C.G.A. § 20-2-2066(a) and (b), and if so, their rank order.

(ii) A statement detailing whether the charter school shall utilize a weighted lottery pursuant to O.C.G.A. § 20-2-2066(a) and (b) to provide an increased chance of admission for educationally disadvantaged students.

(iii) A copy of the proposed admissions application or a description of the application that demonstrates that the application conforms to the requirements of rule and law, including the requirement that charter schools have open enrollment.

(iv) A copy of the policy setting annual enrollment, re-enrollment and lottery deadlines including a description of the lottery procedures detailing how enrollment preferences will be applied and an assurance of complete transparency in its procedures. Complete transparency shall include, at a minimum, publishing the lottery date, time, place and lottery procedures at least two weeks in advance on the school's website. The policy shall ensure that only students who reside in the proposed attendance zone are eligible to participate in the lottery. The policy shall also ensure open enrollment for each grade served for which space is available and shall maintain enrollment at the levels described in the charter and approved by the State Board of Education. A charter school, except for dual language immersion charter schools, may not adopt any policy which expressly restricts enrollment to specific grade levels within the grade span served by the school. A charter school must offer at least one annual enrollment opportunity for each grade served for which space is available.

4. A description of the steps the charter school will take to ensure equitable access to the school for students, faculty, and staff who are representative of the community diversity in the school's proposed attendance zone, including students who are educationally disadvantaged as defined in State Board of Education Rule 160-4-9-.04.

5. Rules and procedures concerning student discipline and dismissal, including code of conduct and student due process procedures.

6. Rules and procedures concerning how the school will handle grievances and complaints from students, parents, and teachers.

7. The manner in which the school shall be insured, the terms and conditions thereof, and the amounts of coverage.

8. A description of the employment procedures and policies of the school. The description of employment procedures and policies shall include, at a minimum, the following:

(i) The charter school's procedures to ensure compliance with the requirement that the school shall not allow any faculty, staff, or governing board member contact with students without having annual documentation of a successful background check as well as the charter school's policies and procedures that establish the requirement that faculty, staff, and governing board members must immediately disclose to the school the occurrence of any arrests or other such occurrences which would have resulted in an unsuccessful background check if they had occurred prior to the background check. Each school employee must have a clearance certificate from the Georgia Professional Standards Commission (GaPSC).

9. A description of the facilities to be used, their location(s), and any pending modifications necessary for utilization for educational purposes. The description must include the following components:

(i) Description, including documentation, of steps petitioner has taken relevant to the Georgia Department of Education's (DOE) facilities review process.

(ii) A Certificate of Occupancy must be obtained prior to student occupancy of the proposed facility. The latest possible date by which the Certificate of Occupancy shall be obtained must be included in the charter petition.

(iii) The school's emergency safety plan, which may be a statement that the petitioner will prepare a safety plan in accordance with O.C.G.A. § 20-2-1185 and submit and obtain approval from the Georgia Emergency Management Agency by a specified date.

(iv) A statement that any future facility used to house students will be subject to approval by the local board and the DOE department prior to occupancy.

(v) Documentation of ownership or a copy of the lease of the facility. If the facility has not been obtained or the documentation is not available at the time the petition is submitted, the petitioner shall provide a timeline for obtaining such facilities or providing such documentation and shall provide such documentation to the OCSC Department as soon as it is available. This does not apply to conversion charter schools.

10. A statement describing whether the building is new or existing. In the case of a locally approved charter school, building plans must be approved by the facilities department of the local board. For all other charter schools, building plans only need to be approved by the DOE department.

11. The manner in which the school's enrollment count will be determined for purposes of calculating charter school funding, pursuant to O.C.G.A. § 20-2-2068.1(c) or § 20-2-2090(d), as appropriate.

(h) DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS. A description of the school's financial structure, including the following components:

1. Designation of a chief financial officer who shall not serve simultaneously as the school leader for the charter school and possesses the following credentials:

(i) 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

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

2. Charter schools as defined by O.C.G.A. § 20-2-2062 are public schools, therefore the school shall comply with Governmental Accounting Standards Board (GASB) Statements and Interpretations, which constitute Generally Accepted Accounting Principles (GAAP) for financial reporting.

3. A statement that the school shall be subject to an annual financial audit conducted by an independent Georgia licensed Certified Public Accountant, in accordance with O.C.G.A. § 20-2-2065(b)(7). The financial reporting format shall comply with generally accepted government auditing standards (GAGAS).

4. A statement indicating whether the school shall utilize the local school board for fiscal management or other services; and, if so, specifics regarding what level of autonomy the school shall have over budgets and expenditures and/or any other area for which the school has contracted with the local board to provide services.

5. A statement that the school shall comply with federal monitoring and federal audits required for schools that receive federal funds.

6. A statement that at least ninety (90) percent of QBE funds earned by students in a virtual charter school whose total student enrollment is composed of more than five (5) percent of students who reside in another local school system shall be expended on virtual instruction costs in accordance with O.C.G.A. § 20-2-167.1.

7. A statement from the applicable local school system that the amount identified in the locally approved petition budget for base per-pupil funding is based upon the school system's good-faith estimate of the base per-pupil amount at which it will fund the charter school as long as the school system receives the state and local revenues upon which the approved school budget is based.

8. A statement that the school shall submit any required financial information to the local school system, in accordance with the policies and deadlines established by the system, for inclusion in the local school system's annual Financial Review Report (DE046) to the ~~DOE~~Department.

(i) DESCRIPTION OF GOVERNANCE STRUCTURE. A description of the school's governance structure, including the following components:

1. A description of how the charter school shall be governed.
2. A statement that the governing board shall be subject to the provisions of O.C.G.A. § 50-14-1 *et seq.* (Open Meetings Act) and O.C.G.A. § 50-18-70 *et seq.* (Open Records Act).
3. A statement that the governing board shall be subject to the oversight of the local board.
4. A statement regarding the governing board's function, duties, composition, how and when members shall be selected, how members will be representative of the community diversity in the charter school's proposed attendance zone, how long members shall serve, how members may be removed from office, how members shall avoid conflicts of interests, and an assurance that the Governing Board will comply with all laws and State Board of Education rules and guidelines related to Charter School Governing Board training. Members of the local board and the superintendent of the local school system are prohibited from serving on the charter school's governing board, unless otherwise stipulated by the ~~Department~~OCSC. Charter school employees are prohibited from serving on the school's governing board, unless otherwise stipulated by the ~~Department~~OCSC. The charter school principal may serve only as an ex officio member of the charter school governing board.
5. A description of how parents, members of the community, and other interested parties will be involved in the governing board of the school.
6. A list of proposed business arrangements or partnerships with existing schools, educational programs, businesses, or nonprofit organizations and a disclosure of any potential conflicts of interest. This includes a copy of any intended contracts for the provision of educational management services or the provision of supplemental educational services and remediation, and any agreements with other local schools for the charter school students' participation in extracurricular activities such as interscholastic sports and clubs.
7. Provide a Roles and Responsibilities chart between the College and Career Academy governing board, the School System, and the CCA's higher education and business partners that includes the following:

(i) Information on the CCA's decision making authority regarding personnel decisions, financial decisions, curriculum and instruction resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations,

(ii) Information on how the CCA will be funded by the District and other strategic partners; and

(iii) Information on the services and supports to be provided to the CCA by the local district.

8. A description of the method that the local board and the charter school plan to utilize for resolving conflicts with each other.

9. Evidence that the locally approved charter school has been incorporated as a Georgia nonprofit corporation pursuant to the Georgia Nonprofit Corporation Code, O.C.G.A. § 14-3-101 *et seq.*, as required by O.C.G.A. § 20-2-2065(b)(4). This evidence shall include an official copy of the certificate of incorporation from the Georgia Secretary of State and a copy of the by-laws for the Georgia nonprofit corporation. By-laws must specify the duties of governing boards' members with particularity. This requirement shall apply to both start-up and conversion charter schools.

(j) STATEMENT ON ANNUAL REPORT. A statement that the charter school shall provide an annual report to the DepartmentOCSC, the local board of education, and parents and guardians of students enrolled in the school by November 1 of each year, in accordance O.C.G.A. § 20-2-2067.1(c) and that such report shall conform to the template provided by the DepartmentOCSC.

(3) ADDITIONAL PETITION REQUIREMENTS FOR CONVERSION APPLICANTS ONLY. In addition to the requirements of Part 2 of this Rule, all conversion charter school petitions shall include the following components:

(a) A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

1. For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

2. For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school although parents of students at the school who are eligible to

vote as faculty or instructional staff shall also have a single vote in the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B)-.

(b) A statement detailing the innovations that shall materially distinguish the conversion charter from the school's pre-conversion model and that require the flexibility offered through the charter model. If an innovation is already implemented at other district schools, it can still be considered innovative for the charter school applicant.

(c) A statement detailing the conversion charter's plan to operate with substantial autonomy. This statement shall include a description of how financial resources will be managed, how human resources will be managed, how personnel will be evaluated; and a description of school governance and the extent to which parents, community members, and other stakeholders will participate in the governance of the school. The petition shall describe all policies, procedures, and practices that will materially distinguish the conversion school from the school's pre-conversion model.

(d) A statement from the applicable local school system detailing the district's plan to ensure the conversion charter school will operate with substantial autonomy, and how the district will ensure its effective support of the charter school, including what, if any, changes it will make to its central office to ensure that the charter school is properly supported and operates with substantial autonomy.

(4) CHARTER PETITION REQUIREMENTS FOR STATE CHARTERED SPECIAL SCHOOL APPLICANTS. In addition to the petition submitted in accordance with Part 2 of this Rule, the ~~Department~~ OCSC reserves the right to request supplemental information, as needed. The content of a state chartered school petition may not be altered from the content that was submitted to the local board(s) that denied the petition. All state chartered special schools shall also submit to the ~~Department~~ OCSC:

(a) A statement regarding whether the school intends to request from the ~~Department~~ OCSC a local referendum pursuant to O.C.G.A. § 20-2-2068.1(e) and, if so, the timeline for pursuing such a request.

(b) A copy of the local board's written, specific reasons for denial of the charter petition and a written response to the local board's reasons for denial.

(c) Any supplemental documentation the ~~Department~~ OCSC may require for review and evaluation of the application.

(5) CHARTER PETITION REQUIREMENTS FOR JOINTLY AUTHORIZED APPLICANTS.

(a) Two or more local boards may jointly authorize a local charter school pursuant to O.C.G.A. § 20-2-2063(c). The local boards may authorize the charter school by one of the following methods:

1. Each local board shall approve the charter petition before it is submitted to the State Board of Education; or
2. One local board shall submit the petition and enter into an interagency agreement with the other local board(s). Such interagency agreement must specify how local revenues shall be allocated to the charter school. The agreement shall become an attachment to the jointly authorized charter petition.

(b) The ~~Department~~ OCSC will calculate student accountability for jointly authorized charter schools and for the authorizing districts, in accordance with the Single Statewide Accountability System.

(c) Petitions involving two or more local boards shall follow the same requirements as other charter petitions, as outlined in Part 2 above, and shall also include the following components:

1. A statement specifying which entity shall be the fiscal agent for the jointly authorized charter school.
2. A statement from the applicable local ~~systems~~ boards guaranteeing that the base per-pupil amount at which it will fund the charter school is the amount identified in the locally approved petition budget as long as the school system receives the state and local revenues upon which the approved school budget is based.
3. An agreement detailing the involvement and responsibilities of each local board regarding the jointly authorized charter school.

(6) CHARTER PETITION REQUIREMENTS FOR CHARTER HIGH SCHOOL CLUSTER APPLICANTS.

(a) A high school and all the middle and elementary schools whose students matriculate to that high school may act as a single charter petitioner to convert to charter school status pursuant to O.C.G.A. § 20-2-2063(b). The charter high school cluster petition may include new and existing start-up charter schools, conversion charter schools, and renewals thereof. A charter high school cluster petition must address petition requirements for each school as described in Part 2 above, as applicable. A high school cluster must be governed by a nonprofit charter school governing board. In addition, the petition must include the following components:

1. A statement that the petitioner has held the appropriate votes by secret ballot as required pursuant to O.C.G.A. § 20-2-2064(a)(1) and (2), and a description of the procedures and outcome of those votes.

(i) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(A), each faculty or instructional staff member shall have a single vote.

(ii) For purposes of the vote required pursuant to O.C.G.A. § 20-2-2064(a)(1)(B), a student's parent(s) or guardian(s) shall collectively have one vote for each student enrolled in the school.

2. A statement detailing the rationale for petitioning as a high school cluster, such as innovations that will materially distinguish the charter cluster from the cluster's pre-conversion model and that require the flexibility offered through the charter model.

3. A description of how the charter high school cluster as a whole shall be held accountable for performance goals stated in the charter.

Authority: O.C.G.A. §§ 20-2-161, 20-2-167.1, 20-2-240, 20-2-2062, 20-2-2063, 20-2-2063.1, 20-2-2063.3, 20-2-2072 through 20-2-2074, 20-2-2081

Adopted: ~~August 24, 2017~~

Effective: ~~September 13, 2017~~