

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

(1) CHARTER PETITION PROCESS.

(a) **LETTERS OF INTENT.** All start-up applicants intending to submit a charter petition for local board of education (local board) consideration, shall use the Office of Charter School Compliance (OCSC) template to submit a letter of intent to both the 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 OCSC. Petitioners should consult the 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 OCSC and local district(s). Non-renewing local charter schools are required to give their authorizer and OCSC notice of intent not to renew by January 1st of the final year of their charter contract.

(b) CHARTER PETITION TIMELINE.

1. Start-up Applications. 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:

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

(ii) 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 six (6) months and shall not be more than twelve (12) months, unless the OCSC approves a longer or shorter pre-opening period in advance.

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

2. Renewal Applications. By August 1 of each year, every local authorizer shall publish a timeline for submitting and reviewing renewal charter petitions on its respective website. The timeline must:

(i) Establish a final renewal petition submission deadline that is on or before the first Tuesday in January, unless the OCSC approves an alternative deadline in advance.

(ii) Require the local board to, by majority vote, approve or deny renewal petitions prior to March 1.

(c) **CHARTER SCHOOL PETITION.** The OCSC shall create and make available start-up and renewal charter petitions which must be used by petitioners when applying to local boards. The OCSC will specify the form and format for petition submission to both the local board and OCSC. No district may require submission of paper copies of completed petitions, change petition submission dates without sufficient notice, or otherwise create obstacles to faithful implementation of this Rule. No local board may require that assurances or agreements be made a condition of approval other than those assurances that are part of the three-party charter contract issued by the OCSC unless approved in advance by 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 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 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(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.

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 twenty (20) 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 OCSC of an alternate approach to accomplishing these petition review goals, within the ninety (90) days a local district has to review a charter petition, the local district shall:

(i) With OCSC's approval, disqualify any legally insufficient or incomplete petitions in writing to the petitioner. Notice of disqualification must be sent out within ten days of petition receipt.

(ii) Use the OCSC-approved rubric for evaluating charter petitions.

(iii) Set clear and reasonable dates for receipt of additional and/or clarifying material from petitioners.

(iv) Notify petitioners of petition recommendation at least 48 hours prior to local board vote.

5. If a local board denies a petition, notice must be sent to OCSC within 10 days of denial. 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 assist in resolving issues which led to the denial of the petition by the local board.

(e) CHARTER PETITION SUBMISSIONS TO THE OCSC.

1. The petitioner shall deliver an approved petition to the OCSC for review within 30 days of approval by a local board. Charter petitioners shall ensure that petitions adhere to all application requirements and related timelines as established by the OCSC pursuant to O.C.G.A. § 20-2-2063 and as outlined in this Rule. Petitioners that have applied to a local district must also provide a copy of their petition to the OCSC within thirty (30) days of submitting their petition to the local district. Petitioners should consult the 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.

2. The local board shall furnish the OCSC with all relevant documents produced or created during the local petition process including, but not limited to: completed rubrics, clarification requests and responses, mail, email, texts or other communication between the local school district and the petitioner.

(f) CHARTER PETITION REVIEW PROCEDURES BY THE OCSC.

1. The OCSC shall process all charter petitions submitted to the OCSC on behalf of the State Board of Education as outlined in this Rule.

2. The 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 OCSC reserves the right to reject incomplete and/or legally insufficient charter petition submissions.

4. The 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 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.

7. The 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 initial charter contracts approved by the State Board of Education shall be five years. Ten-year contracts may be approved for renewing charter schools that have met standards to be determined and published by OCSC.

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.

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.

(g) REVIEW PROCEDURES FOR OCSC REVIEW OF NEW AND RENEWAL CHARTERS GRANTED BY THE STATE CHARTER SCHOOLS COMMISSION.

1. The OCSC may 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 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) Start-up Applications.

1. 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.

2. STATEMENT OF GOALS AND OBJECTIVES.

3. DESCRIPTION OF INTENDED USE OF WAIVERS.

4. PARENTAL AND COMMUNITY INVOLVEMENT.

5. DESCRIPTION OF THE EDUCATIONAL PROGRAM. It must include a description of how the school will serve the following:

(i) Students with Disabilities.

(ii) English Language Learners.

(iii) Gifted and Talented Students.

6. DESCRIPTION OF ASSESSMENT METHODS.

7. DESCRIPTION OF SCHOOL OPERATIONS.

8. DEMONSTRATION OF FISCAL FEASIBILITY AND CONTROLS.

9. DESCRIPTION OF GOVERNANCE STRUCTURE.

(b) Renewal Applications.

1. DEMONSTRATION OF PERFORMANCE IN MEETING CONTRACT GOALS.

2. ROOT CAUSE ANALYSIS OF UNMET CONTRACT GOALS.

3. PLANNED PROGRAMMATIC, OPERATIONAL, AND FINANCIAL CHANGES.

(3) ADDITIONAL PETITION REQUIREMENTS FOR CONVERSION APPLICANTS ONLY. In addition to the requirements of Part 2 of this Rule, all start-up 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 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 OCSC shall prescribe how the authorizing districts will calculate for jointly authorized charter schools 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 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.

(5) 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

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