160-4-9-.06 CHARTER AUTHORIZERS, FINANCING, MANAGEMENT, AND GOVERNANCE TRAINING.

(1) RESPONSIBILITIES OF CHARTER AUTHORIZERS.

(a) **RESPONSIBILITIES OF LOCAL BOARDS OF EDUCATION**. Local boards of education ("local boards") shall provide control and management of local charter schools pursuant to O.C.G.A. § 20-2-2065(b)(2) and State Board of Education Rule 160-4-9-.06.

1. This control and management shall include the following responsibilities for local charter schools:

(i) Pre-Charter award or charter renewal:

(I) Review and act on local charter school petitions;

(ii) Post-Charter award or charter renewal:

(I) Monitor a new local charter school's pre-operational period for timely implementation of ready-to-open benchmarks related to facilities, school personnel, enrollment procedures, curriculum and instruction, operations and fiscal management, and governance. In the event the charter school governing board does not meet the ready-to-open benchmarks, the local board may postpone the school's opening by up to one year. An assurance to the OCSC by the local district of a new school having achieved ready-to-open status is required before the new school may open.

(II) Enforce clear expectations for, and ensure achievement of, performance goals set forth in the charters;

(III) Ensure that local charter schools are fiscally sound and operating in accordance with Generally Accepted Government Auditing Standards, including annually reviewing budgets as needed;

(IV) Ensure that charter schools comply with Governmental Accounting Standards Board (GASB) Statements and Interpretations, which constitute Generally Accepted Accounting Principles (GAAP) for financial reporting.

(V) Ensure that local charter schools submit required financial information in accordance with the policies and deadlines established by the local school system for inclusion in the system's annual Financial Review Report (DE046) to the Georgia Department of Education;

(VI) Ensure that local charter schools comply with the accountability provision of O.C.G.A. § 20-14-30 *et seq.* and federal accountability requirements;

(VII) Evaluate a local charter school's performance annually in relation to the expectations and goals set forth in the charter using the OCSC's Local Charter Performance Framework and take appropriate action based on this evaluation;

(VIII) Coordinate with the State Board of Education and the OCSC in monitoring and supporting any local charter schools identified as turnaround eligible schools pursuant to O.C.G.A. § 20-14-45.

(IX) Develop termination processes that:

I. Provide the charter school governing board with timely notification of the prospect of and reasons for termination of a charter;

II. Allow the charter school governing board a reasonable amount of time to prepare a response;

III. Allow for a public hearing;

IV. Require the local school system to submit documentation and to produce witnesses at the public hearing who can testify to the reasons for termination;

V. Provide the charter school governing board with an opportunity to submit documents, produce witnesses, and give testimony challenging the reasons given for termination and to argue for continuation of the charter at a public meeting held for that purpose;

VI. Allow the charter school governing board to be represented by its own counsel, to call witnesses on its behalf, and to confront witnesses, and challenge documents, statements or reports against continuation of the charter;

VII. After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school governing board and the State Board of Education. Such final determination must clearly articulate the reasons for the final decision;

VIII. Ensure the charter school maintains custody of active student records if the school's charter authorization is terminated by the local board of education and transferred to the State Charter Schools Commission pursuant to O.C.G.A. § 20-2-2063.3.

(X) Allow local charter schools to exercise substantial autonomy over decisions affecting the school. The nonprofit governing board of a charter school shall have authority to make personnel decisions, including selection of the principal or school

leader; financial decisions and resource allocation decisions, including establishing the number and type of personnel, curriculum costs, supply costs, equipment costs and maintenance and operations costs; selection of a curriculum and accompanying instructional materials; establishment and monitoring of the achievement of school improvement goals, including approval of the school improvement plan and oversight of its implementation; and operations that are consistent with school improvement goals. The local board shall only override decisions of a local charter school's governing board in those areas where the local board has constitutional authority and has a reasonable belief that a decision will be substantially detrimental to students;

(XI) Allow a charter school that has passed the Department of Education facility inspection and holds a valid certificate of occupancy to occupy its building and ensure that no other licensure to operate the school, including, but not limited to, a business license, professional license, or occupational tax certificate is required; provided, however, that any for profit vendor of the charter school shall be subject to any applicable local requirements relating to doing business in this state. Charter schools shall be subject to all applicable zoning, planning, and building permitting requirements when constructing or renovating a facility;

(XII) Provide to the charter school, for inclusion in the locally approved charter petition, the base per-pupil amount that it will receive upon execution of the contract as long as the school system receives state and local revenues upon which the approved school budget is based;

(XIII) Distribute applicable federal, state, and local funding to local charter schools in a timely manner and in accordance with law; ensure that funds are spent according to applicable laws, rules, policies, and guidelines, including requirements for monitoring the use of federal funds;

(XIV) Ensure that the requirements of the Individuals with Disabilities Education Act (IDEA) are met. The local board(s) must have a plan to ensure that the local school system shall:

I. Serve students with disabilities attending the local charter school in the same manner as it serves all other students with disabilities in its other local schools. Nothing in this section shall prevent a local board(s) from providing services to students with disabilities at a central location, if that is standard practice for students with disabilities from other schools in the local school system.

II. Provide funds to local charter schools on the same basis as it provides funds to its other local schools, including proportional distribution based on relative enrollment of children with disabilities.

III. Ensure that individuals employed as special education teachers in local charter schools have a bachelor's degree and are either certified in special education or hold a special education license.

IV. Ensure that the requirements of all other applicable federal laws are met.

(XV) Provide, upon request, the name and address of each unused facility located in the school district that it governs.

2. ANNUAL REPORTING

(i) Each local board that oversees a local charter school shall submit to the State Board of Education and post on its website an annual report including the following:

(I) The authorizer's strategic vision for chartering and progress towards achieving that vision.

(II) Annual start-up and renewal petition process timing as indicated in 160-4-9-.05.

(III) The academic performance of all operating charter schools overseen by the authorizer, according to the performance expectations set forth in the charter, for inclusion in the annual report to the General Assembly pursuant to O.C.G.A. § 20-2-2070.

(IV) The financial performance of all operating charter schools overseen by the authorizer, according to the performance expectations set forth in the charter, for inclusion in the annual report to the General Assembly pursuant to O.C.G.A. § 20-2-2070.

(V) The status of all charter school applications, including applications (A) pending review; (B) approved, and, for each, the date on which the school will open or did open; and (C) denied, and, for each, the reasons for the denial.

(VI) All charter schools that have closed within the past year, and, for each, the reason for closure.

(VII) The authorizing functions provided by the authorizer to the public charter schools under its purview, including the authorizer's itemized operating costs and expenses associated with providing its authorizer functions.

(b) **RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION**. The State Board of Education shall have the following supervisory duties pursuant to O.C.G.A. § 20-2-2063:

1. Review and act on local charter school petitions;

2. Review State Charter Schools Commission decisions in accordance with O.C.G.A. § 20-2-2083(a)(1) and take action, as appropriate;

3. Ensure the provision of technical assistance to local school systems in successfully administering their responsibilities as described in (1) above;

4. Ensure that each charter school uses the OCSC's template to submit an annual report that outlines the previous year's progress no later than November 1 of each year. The report shall contain, but is not limited to:

(i) An indication of progress toward the goals as included in the charter;

(ii) Academic data for the previous year, including state academic accountability data, such as standardized test scores and other such progress data;

(iii) Updated contact information for the governing board and the administrator;

(iv) Audit report or unaudited financial statements;

(v) Proof of current Georgia nonprofit status;

(vi) Proof of compliance with State Board of Education Governing Board training requirements for Charter Schools as outlined in State Board of Education Rule 160-4-9-.06 and in Part 4 below.

(vii) Any other supplemental information that the charter school chooses to include or that the state board requests, that demonstrates that school's success.

5. Ensure that OCSC provides technical assistance to petitioners submitting planning, implementation, facility grants, new and renewal charter petitions, petition renewal applications, and any other programs authorized by applicable law.

6. Create and maintain a strategic plan and policy for the state's charter schools program.

7. Jointly establish with the State Charter Schools Commission a code of principles and standards of charter school authorizing to guide local boards of education, the State Board, and the State Charter Schools Commission in meeting high-quality authorizing practices pursuant to O.C.G.A. § 20-2-2063.3. The State Board of Education shall provide for or approve training for its staff and local board of education members on this code of principles and standards of charter school authorizers.

8. Provide for the annual review of local boards of education by an independent party for adherence to the principles and standards of charter school authorizing practices adopted by the State Board of Education pursuant to O.C.G.A. § 20-2-2063.3. This review shall detail the participation of the local board of education in training on the principles and standards of charter school authorizers.

9. Ensure that the OCSC annually assigns authorizers to one of four categories, and that the OCSC develops definitions for the categories (first time authorizer, exemplary authorizer, adequate authorizer, and authorizer needs improvement).

10. Ensure that the OCSC provides focused technical assistance to those authorizers not in the exemplary category, including, but not limited to, assistance in the review of decisions made by those authorizers in their oversight of local charter schools such as charter petition denials, non-renewals, and terminations.

11. Provide an annual report on the status of the state's charter school program to the General Assembly, pursuant to O.C.G.A. § 20-2-2070.

(2) CHARTER SCHOOL OPERATIONS

(a) **CHARTER SCHOOL EMPLOYMENT**. A local charter school may utilize teachers, other instructional staff, and non-instructional staff who are employees of an education service provider only if the governing board of such charter school retains the authority to select and dismiss such teachers, other instructional staff, and non-instructional staff from service at the local charter school. The governing board of a local charter school shall remain responsible and accountable for all operations, compliance, and performance of any employees of an education service provider utilized by such local charter schools.

(b) **CHARTER SCHOOL OPENING**. A new local charter school must implement all of the ready-to-open benchmarks related to facilities, school personnel, enrollment procedures, curriculum and instruction, operations and fiscal management, and governance before it will be permitted to open. In the event the charter school governing board does not meet the ready-to-open benchmarks, the local board may postpone the school's opening by up to one year. An assurance to the OCSC by the local district of a new school having achieved ready-to-open status is required before the new school may open.

(c) **CHARTER SCHOOL FACILITY EXPANSION**. A charter school shall not add or expand facilities during the term of its charter contract without prior written approval from the Georgia Department of Education. A charter school adding or expanding facilities during its charter term shall adhere to all facility site and building approval requirements. Charter schools utilizing multiple sites or facilities must comply with all open enrollment requirements provided in rule and law.

(d) **CHARTER SCHOOL TEACHER/LEADER EVALUATIONS**. All charter schools shall utilize the performance evaluation system adopted by the State Board pursuant to O.C.G.A. § 20-2-210. Each charter school shall employ at least two individuals credentialed to administer the teacher evaluation system. Each charter school shall employ or have on its governing board at least two individuals credentialed to administer the leader evaluation system. An individual becomes credentialed in the performance evaluation system by successfully completing the

training provided by the Georgia Department of Education. No charter school may delegate the evaluation of its school leader or other employees to any individual or entity that is not employed by the charter school or is a member of its governing board.

1. Charter schools shall have the flexibility to implement a tiered teacher evaluation system and to define the measures needed to fulfill the requirements of the teacher and leader evaluations pursuant to State Board rule 160-5-1-.37 and O.C.G.A § 20-2-210, including:

(i) For teachers of record who teach courses that are subject to annual state assessments aligned with state standards, define any additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation.

(ii) For teachers of record who teach courses that are not subject to annual state assessments aligned with state standards, define any:

(I) Student growth indicators, including the school or local school system total score on the annual state assessments that shall count for 30 percent of the evaluation; and

(II) Additional professional growth measures beyond measurements based on multiple student growth indicators, evaluations and observations, and standards of practice that shall count for 20 percent of the evaluation.

(iii) For principals and assistant principals, define the combination of achievement gap closure, Beat the Odds, and College and Career Readiness Performance Index data that shall count for 20 percent of the evaluation; and

(iv) Implement a tiered evaluation system, in which reduced observations of certain teachers of record may be conducted to provide additional time for evaluators to coach and mentor new teachers and teachers with a performance rating of 'Needs Development' or 'Ineffective' pursuant to paragraph (4) of O.C.G.A § 20-2-210.

(e) **CHARTER SCHOOL PUBLIC RECORDS**. Each charter school governing boards shall maintain its adopted policies, budgets, meeting schedule, meeting agendas, and meeting minutes, and shall make such documents available for public inspection pursuant to the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq*. A charter school shall utilize a school website and ensure that the following information, at a minimum, is available on the website:

1. Governing Board membership.

2. Governing Board and committee meeting calendar.

3. Meeting agendas for upcoming Governing Board and committee meetings.

4. Meeting minutes for past Governing Board and committee meetings unless the Georgia Open Meetings Act, O.C.G.A. § 50-14-1, limits their publication. Minutes shall be available on the charter school's website within ten (10) business days after Governing Board approval and for the duration of the charter.

5. Procedure for contacting the charter school's Governing Board and most senior school administrator.

6. Any admissions application utilized by the charter school and notification of enrollment and admissions procedures, including the date, time, and location of any upcoming enrollment lottery.

7. A summary or line item version of the proposed and adopted annual operating budget pursuant to O.C.G.A. § 20-2-167.1.

8. The school's monthly financial statements.

9. The school's Charter Contract.

(3) CHARTER SCHOOL FUNDING

(a) **CHARTER SCHOOL FUNDING CALCULATIONS**. Charter school funding calculations shall be pursuant to the following:

1. A local charter school shall be eligible for federal, state, and local funds pursuant to O.C.G.A. § 20-2-2068.1 and § 20-2-2090, as appropriate.

2. For the purpose of local charter schools, the Department of Education shall determine the allotment of state funds and federal funds for the LEA in which the charter school is physically located, pursuant to O.C.G.A. § 20-2-2068.1, or to the local board(s) stipulated as the fiscal agent in the charter. For state charter schools, the school shall serve as its own fiscal agent.

3. Pursuant to O.C.G.A. § 20-2-2068.1(a) the local board(s) and the State Board of Education shall treat a local charter school no less favorably than other local schools located within the applicable local system unless otherwise provided by law, including with respect to the provision of funds for instruction, school administration, transportation, food services and where feasible, building programs. Funds for transportation and food service shall be provided in accordance with the Local Units of Administration (LUA) Manual. A local charter school may request the OCSC to order mediation if it believes the local board(s) is treating the charter school less favorably than other local schools.

4. Pursuant to O.C.G.A. § 20-2-2068.1(c), the local board(s) shall calculate and distribute the funding for the start-up charter school on the basis of its actual or projected enrollment in the current school year according to an enrollment count procedure or projection method outlined in the terms of the charter. This shall include funding on the basis of its actual or projected enrollment in the current school year in the charter school's first year of operation and in any year that the charter school significantly expands its enrollment. The local school system shall distribute to each local charter school the proportionate amount of federal funds for which the school is eligible under each federal program; provided, however, that these funds may be provided through the provision of in-kind services to the school by the school system upon agreement between the parties and memorialized in the charter contract.

5. Pursuant to O.C.G.A. § 20-2-2068.1(c.3), the local board(s) shall publish in a prominent location on its website the calculation of earnings to each local charter school made in accordance with subsections (a), (b), and (c) of the Code section, including federal funds received by each local charter school.

(b) **CHARTER SCHOOL FACILITIES FUNDS**. Charter school facilities funds shall be awarded pursuant to O.C.G.A. § 20-2-2068.2. In each year in which charter school facilities funds are appropriated by the General Assembly for charter school facilities, the State Board of Education shall allocate the funds among eligible charter schools pursuant to accompanying grant Guidance.

(c) **CHARTER SCHOOL CAPITAL FINANCING**. In each year in which charter school capital financing funds are appropriated by the General Assembly pursuant to O.C.G.A § 20-2-2095 *et. seq.*, the State Board of Education shall establish a grant program in the form of matching funds for qualified charter school contributions, pursuant to accompanying grant guidance.

1. The State Board of Education shall determine the maximum amount of matching funds authorized for each dollar of funds donated to a qualified charter school organization for any single charter school project. In so doing, the State Board of Education shall take into account local revenue, special-purpose local-option sales tax (SPLOST) and bond funding and shall view such local revenue and funding favorably in determining the amount of grant funds to authorize.

2. The matching grant funds shall apply to any eligible funds donated to a qualified charter school organization within the three (3) year period immediately preceding an appropriation by the General Assembly.

(d) **CHARTER SCHOOL GRANTS**. Charter school competitive grant applicants shall adhere to all application requirements and related timelines. In order to qualify for any charter school grant, applicants must meet all eligibility requirements. The OCSC shall have the right to determine eligibility for all grants and to adjust grant application procedures. Applications that do not meet eligibility requirements shall not be considered. All charter school grants shall be administered according to

procedures outlined in the grant application.

(e) **CHARTER SCHOOL ANNUAL OPERATING BUDGET**. Charter school governing boards, shall follow O.C.G.A. § 20-2-167.1 when adopting an annual operating budget.

(f) **CHARTER SCHOOL OUTSTANDING DEBTS**. If a local charter school is not renewed or is terminated, the nonprofit governing board shall be responsible for all outstanding debts of that school. Neither the State Board of Education nor the local school system shall be liable for any debts of the school in the event that the charter is not renewed or is terminated. A local school system shall not assume the debt from any contract for services made between the governing body of the charter school and a third party, unless otherwise agreed in writing.

(4) MANAGEMENT OF CHARTER CONTRACTS.

(a) **EXECUTION OF CHARTER CONTRACTS**. Approved nonprofit governing boards for local charter schools shall return a fully executed charter contract to the OCSC within sixty (60) days of receipt.

(b) **CHARTER TRAINING**. Charter schools shall attend any required training. At the authorizer's discretion, charter schools may be required to attend any additional training that the authorizer deems necessary and proper for the successful operation of the charter school.

(c) **AMENDING A LOCAL CHARTER CONTRACT**. Pursuant to O.C.G.A. § 20-2-2067.1, the terms of a local charter contract may be amended as follows:

1. The contract for a local charter school may be amended during the term of the charter upon the approval of the local board(s), State Board of Education, and the charter school governing board. Additional information and instructions for requesting an amendment may be obtained from the OCSC. All amendments must comply with requirements as established by the OCSC.

(i) Amendment requests that originate with the charter school governing board shall be submitted to the local board(s). The local board(s) shall, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the local board(s) request is received, unless the local board(s) and the charter school governing board agree to extend the amendment review beyond sixty (60) days.

(ii) Amendment requests that originate with the local school board shall be submitted to the charter school governing board. The charter school governing board shall, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the request is received unless the charter school governing board and the local board(s) agree to extend the amendment review beyond sixty (60) days.

(I) If the local board(s) and the charter school governing board agree to the amendment, the charter school shall forward the amendment to the OCSC for State Board of Education action.

(II) If the local board(s) and the charter school governing board do not agree to the amendment, the State Board of Education may recommend mediation upon the agreement of both the local board(s) and the charter school governing board. If mediation is unsuccessful, the charter continues in its unamended form.

(iii) For amendment requests that originate with the State Board of Education, the OCSC shall notify the charter school governing board and the local board(s) of the State Board's request to amend the charter.

(I) The charter school governing board and the local board(s) shall each, by a majority vote, approve or deny the proposed amendment no later than sixty (60) days after the request is received unless they agree to extend the review beyond sixty (60) days.

(II) If the local board(s) and the charter school governing board agree to the amendment, the charter school shall forward the approval to the OCSC for State Board of Education action.

(III) If the local board(s) and/or the charter school governing board do not agree to the amendment, the OCSC may recommend mediation upon the agreement of the local board(s) and the charter school governing board.

(IV) If mediation is unsuccessful, the charter continues in its un-amended form.

2. All charter contracts are subject to applicable federal and state laws, rules, and regulations and shall be deemed amended to reflect applicable changes to these laws upon the effective date of any such change.

(d) **PLACING A LOCAL CHARTER SCHOOL ON PROBATIONARY STATUS**

1. OCSC, or local board(s) of education, with OCSC approval, may place a charter school on probation. if it has reason to believe that any of the following have occurred or are imminent:

(i) A failure to comply with any recommendation or direction of the state board with respect to O.C.G.A. § 20-14-41;

(ii) A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;

(iii) A failure to meet generally accepted government accounting standards;

(iv) A violation of applicable federal, state, or local laws or court orders;

(v) The existence of substantial evidence that the continued operation of the charter school could be contrary to the best interest of the students or the community; or

(vi) A failure to comply with any provisions of O.C.G.A. § 20-2-2065;

(vii) The governing board has demonstrated an inability to provide effective leadership to oversee the operation of the charter school; and

(viii) A failure to disclose material information regarding violations or potential violations of any material term of the charter or applicable federal, state, or local laws or court orders.

(ix) A failure to meet one or more of the academic, financial, and operational standards given in the Local Charter's Performance Framework.

(x) The school is identified as a turnaround eligible school as defined in O.C.G.A. § 20-14-45.

(xi) Any other reason that would lead to the eventual termination of the charter if not resolved.

2. In the event that a charter school is placed on probation, the following shall apply:

(i) The OCSC and/or the local board of education shall provide written notice to the charter school of the reasons for such placement, not later than five days after the placement;

(ii) No later than thirty (30) days after the date of such placement, the local charter school shall file with the OCSC and the local board of education a corrective action plan that addresses the reasons outlined for the probation and timeline for remedying those issues;

(iii) The OCSC, with input from the local board of education, may approve the corrective action plan as submitted or impose any additional terms of probation on the school that it deems necessary;

(iv) The charter school shall implement the approved corrective action plan;

(v) During the term of probation, the OCSC may require the school to file interim reports concerning any matter deemed relevant to the probationary status of the school, including financial reports or statements.

(vi) The OCSC may amend the length of the probation based on the status of the interim reports.

3. A charter school may be taken off probation upon fulfilling the terms of its corrective action plan and upon the OCSC's determination that the conditions which precipitated the probation no longer exist and that no new conditions exist which would necessitate probationary status.

4. In the event that the charter school does not file or implement the approved corrective action plan within the required time period, or does not comply with the terms within the required time period, the State Board of Education or local board(s), as applicable, may move to terminate the charter.

5. No charter school on probation may enroll new students without the consent of the OCSC.

(e) **TERMINATING A LOCAL CHARTER**.

1. Pursuant to O.C.G.A § 20-2-2068, the State Board of Education may terminate a local charter school if requested by a majority of parents or guardians of enrolled students *or* a majority of the faculty and instructional staff employed at the charter school; if requested by the charter school governing board; if requested by the local board(s); or upon determination by the State Board of Education by its own audit or other means.

(i) If requested by a majority of parents or guardians of enrolled students *or* a majority of the faculty and instructional staff employed at the charter school:

(I) The group requesting the termination, must, within thirty (30) days of the public meeting held pursuant to O.C.G.A. § 20-2-2068(a)(1)(A) or (B), submit a petition for termination to the State Board of Education, with a copy to the local board(s), which shall include the following:

I. A written statement detailing the reasons for termination pursuant to O.C.G.A. § 20-2-2068(a)(2)(A)-(G), including supporting documentation;

II. Documentation showing that a public meeting and vote were held in accordance with the requirements of O.C.G.A. § 20-2-2068(a)(1)(A) or (B);

III. A copy of the minutes of the public meeting where the termination request was voted upon;

IV. A written statement signed by a member of the group requesting termination. The statement shall specify that an identical copy of the materials has also been provided to the appropriate officials at the charter school. Appropriate officials shall include, at a minimum, the principal of the school, the president of the governing

board, and the superintendent of the local board(s) of education that serves as the fiscal agent for the charter school; and

V. Any other pertinent information.

(II) The charter school governing board and local board(s) shall have thirty (30) days from receipt of the petition for termination to provide the State Board of Education with a written response to the petition.

(III) Upon receipt of the above records, and if requested by the charter school governing board or the local board(s) within thirty (30) days of such receipt, the State Board of Education may conduct a hearing prior to rendering a decision. If no such request is made within thirty (30) days of the State Board of Education's receipt of these records, all parties waive their right to a hearing and the State Board of Education may vote based upon information submitted by the parties or the State Board of Education may decide to hold a hearing prior to taking a vote.

(IV) If the State Board of Education votes to sustain the charter, it may consider the termination request and supporting documentation as a factor in its renewal decision.

(ii) For termination requests originating with the charter school governing board:

(I) The governing board must file a petition for termination with both the local board(s) and the State Board of Education within thirty (30) days of the vote to request termination.

(II) The petition for termination shall include:

I. A succinct statement of the reasons for the termination request;

II. The record of the vote taken by the charter school governing board.

(III) Upon receipt of the above records, and if requested by the local board(s) or the State Board of Education within thirty (30) days of such receipt, the State Board of Education may conduct a hearing prior to rendering a decision. If no such request is made within thirty (30) days of the State Board of Education's receipt of these records, all parties waive their right to a hearing and the State Board of Education may vote based upon information submitted by the parties or the State Board of Education may decide to hold a hearing prior to taking a vote.

(IV) If the State Board of Education votes to sustain the charter, it may consider the termination request and supporting documentation as a factor in its renewal decision.

(iii) For termination requests originating with the local board(s):

(I) Upon determining the existence of any ground for termination pursuant to O.C.G.A. § 20-2-2068(a)(2), the local board(s) shall provide appropriate notice of proposed termination to the charter school governing board as well as an opportunity for a hearing, if applicable, on the proposed termination in accordance with the policies established pursuant to (1)(a)(2)(v) of this Rule. If the local board(s) decides to move forward with termination, it must file a petition for termination with the State Board of Education within thirty (30) days of the determination.

(II) The request shall include a succinct statement of the reasons for the termination request, the transcript of the public hearing, including witness testimony to support its reasons for termination, other evidence as applicable, and the record of the vote taken by the local board(s) of education to terminate the charter;

(III) The local board(s) shall send a copy of all of the above to the charter school governing board at the same time as such documents are filed with the State Board of Education.

(IV) The State Board of Education shall treat all requests for termination from the local board(s) in accordance with O.C.G.A. § 20-2-1160.

I. The State Board of Education shall uphold the decision of the local board(s) if it finds sufficient evidence to sustain the decision.

II. The State Board of Education shall render a final written decision and shall notify the parties accordingly.

(iv) For termination requests initiated by the State Board of Education:

(I) The State Board of Education shall notify the charter school and the local board(s) of its intention to convene a hearing for the purpose of determining whether the charter school is in violation of a provision of O.C.G.A. § 20-2-2068(a)(2). The notification shall include the specific provisions of O.C.G.A. § 20-2-2068(a)(2) that the charter school is alleged to have violated and shall contain all information contained in O.C.G.A. § 50-13-13(a)(2).

I. If after receiving the notification, the charter school decides to surrender its charter contract instead of proceeding with the termination process, the governing board of the charter school shall provide to the State Board of Education a record of the vote taken by the governing board approving the surrender.

(II) The charter school and the local board(s) shall have thirty (30) days from the date of State Board of Education notification to submit one of the following to the State Board of Education:

I. A written response that addresses each of the allegations set forth in the notice and waives its right to a hearing by requesting the State Board of Education render a decision based on the written record; or

II. A written response that addresses each of the allegations set forth in the notice and requests the State Board of Education schedule a hearing to render a decision.

(III) If the charter school chooses to respond to the notice but waives its right to a hearing by requesting the State Board of Education render a decision based on the written record, the local board(s) and the OCSC shall have ten (10) days to reply to the charter school's response and raise any objections to the hearing waiver request. If no objections are raised and the State Board of Education renders a decision on the written record, the decision shall be based upon: (1) the State Board of Education's notice to convene a hearing for the purpose of charter termination, (2) the school's response, (3) any response by the local board of education, (4) any reply of the OCSC or local board of education to the school's request to waive the hearing, and (5) any evidence contained therein noticed as proof by the State Board of Education. If objections are raised, the State Board of Education shall take those objections into consideration and determine whether the hearing should be waived.

(IV) If the charter school provides a written response that addresses each of the allegations set forth in the notice and requests the State Board of Education schedule a hearing to render a decision, the State Board of Education or designated hearing officer shall conduct a hearing and render a decision.

(V) If the hearing is conducted by a designated hearing officer, the hearing officer shall make a recommendation to the State Board of Education for consideration prior to the State Board rendering a decision.

(VI) If the charter school requests an expedited hearing, it shall notify the State Board of Education in writing within the 30-day response period. The local board(s) and the OCSC shall have five (5) days to reply to the charter school's request and raise any objections to the expedited hearing. If the expedited hearing request is approved, the State Board of Education shall schedule a hearing and, if necessary, set a timeline for the charter school's submittal of a substantive response to the notice and a rebuttal by the local board(s) of education and the OCSC.

(VII) If the charter school does not respond within the 30-day time period, then it waives it right to a hearing. The State Board of Education may render a decision as permitted under O.C.G.A. § 20-2-2068(a)(2).

2. In cases where the physical and/or mental health, safety, or welfare of students or staff of a charter school is in danger or where the charter school has experienced financial irregularities, any party to the charter or the State Board of Education may make an emergency termination request. The State Board of Education, through a regular or called meeting, may temporarily suspend the operations of the charter

school until a termination hearing can be conducted. Depending on the nature of the danger or financial irregularity, the State Board of Education may request that the local board(s) assign the charter school students to another public school or take over operations of the charter school.

3. Upon termination of the charter for a local charter school, all assets of the terminated local charter school purchased using state or federal grant funds, and all unencumbered state or federal grant funds awarded by the State Board of Education, shall revert to the local district and shall not be used by the school or its nonprofit governing board to satisfy liabilities.

4. Once a decision is made to terminate or not renew a charter, the local charter school and the local board(s) shall notify affected charter school students and parents/guardians of the impending charter school closing and their public school choice options no later than one week after the decision is made to terminate or not renew the charter.

(5) GOVERNANCE TRAINING. Pursuant to O.C.G.A. § 20-2-2072, the members of the governing board of each local charter school shall participate in initial training for boards of newly approved local charter schools and annual training thereafter.

(a) **TRAINING REQUIREMENTS**.

1. Annually, all governing board members of local charter schools must complete six (6) hours of training, as described below, that is conducted by a provider approved by the State Board of Education:

(i) Three (3) hours of sound fiscal and budget management for charter schools;

(ii) One (1) hour on best practices on charter school governance and the constitutional and statutory requirements relating to public records and meetings;

(iii) One (1) hour of updates to the legal requirements of applicable statutes, rules, regulations, and policies; and

(iv) One (1) hour on oversight of charter school performance, academic accountability, or related topics.

2. During each of the first two (2) years that a member serves on the governing board of a local charter school, the member must complete an additional six (6) hours of training related to the basics of charter schools, accountability, financial governance, and effective governing board service that is conducted by a provider approved by the State Board of Education.

3. The OCSC may require additional governance training for board members of

local charter schools that are on probation, have not met standards on the Local Comprehensive Performance Framework, or have demonstrated other academic, financial, or compliance concerns identified by the OCSC.

4. The OCSC shall provide guidance on implementation of these requirements, including but not limited to, training topics required for New Local Charter School Governing Board Members and defining the members subject thereto.

(b) **TRAINING CONTENT FOR CREDIT HOURS**:

1. Training credit hours will be awarded only on approved content aligned with the State Board of Education governance standards for charter schools.

(c) **TRAINING PROVIDERS**

1. Training Provider Rationale: The State Board of Education has adopted "State Board of Education governance standards for charter school boards" as the basis for charter school governing board member training. The approved charter school Training Providers will conduct charter school governing board member training utilizing curricula aligned with the State Board of Education governance standards for charter school governing boards and which meet identified areas for improvement as submitted in charter school governing boards' training program.

2. Charter school Training Providers wishing to provide charter school governing board training must be approved by the State Board of Education. To be considered for such approval, charter school Training Providers shall provide to the OCSC the following:

(i) Overview of the individual(s) or entity wishing to provide training.

(ii) Experience in providing charter school governing board training with references.

(iii) Instructors' qualifications.

(iv) Name(s) of training course(s).

(v) Length of training course(s).

(vi) Syllabus, which includes standard(s) to which each course is aligned.

(vii) Probable delivery method for delivery of content (whole board, large or small group, virtual, etc.).

(viii) Proposed location(s) of training course(s).

(ix) Fees (if any) to be charged for each training course.

(x) Participant evaluations of each training course.

(xi) List of charter school governing board members who participate in each training course.

(xii) Assurances that a trainer will not provide training to charter school governing board members who are immediate members of the trainer's family without obtaining prior approval from the State School Superintendent or his designee. For the purpose of this assurance, immediate family members shall include a spouse, child, sibling, parent, or the spouse of a child, sibling or parent.

3. The local school district shall not provide governing board training to charter schools under its control and management.

(d) **OFFICE OF CHARTER SCHOOL COMPLIANCE PROVISIONS**

1. The OCSC will:

(i) Receive assurance of the adopted charter school governing board training program plan.

(ii) Recommend Training Providers and courses for training credit for State Board of Education approval.

(iii) Periodically review the charter school governing board training program requirements and make recommendations for improvement.

(iv) Within three (3) months of the required assurance date of the charter school governing board training program plan publish the approved Training Providers and courses approved for training credit.

(v) Report to the State Board of Education annually on compliance with the training program requirements by members of charter school boards of education.

2. The OCSC shall create, and the State Board of Education shall adopt, a model code of ethics for members of charter school governing boards. Such model code of ethics shall also include appropriate consequences for violation of a provision or provisions of such code. The State Board of Education may periodically adopt revisions to such model code as it deems necessary.

(i) Within three months of adoption by the State Board of Education of a model code of ethics pursuant to subsection (4)(d)(2) of this rule, each charter school governing board shall adopt a code of ethics that includes, at a minimum, such model code of ethics. Each charter school governing board shall incorporate into its code of

ethics any revisions adopted by the State Board of Education to the model code of ethics pursuant to (4)(d)(2) of this rule within three months of adoption of such revisions. Each charter school governing board member shall sign the adopted Code of Ethics.

3. No person shall be eligible to serve on a charter school governing board unless he or she:

(i) Has read and understands, as shown by signing, the code of ethics and the conflict of interest provisions applicable to members of a charter school governing board; and

(ii) Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of charter school governing boards, the code of ethics of the charter school governing board, and the conflict of interest provisions applicable to members of the charter school governing board. Such disclosures shall be included in the charter school's annual report to the OCSC.

(iii) Charter school governing boards shall refer to the OCSC for additional guidance on charter schools governance training standards, a model code of ethics, and a model conflict of interest policy.

4. The OCSC, on behalf of the State Board of Education, shall develop training standards consistent with the law, and publish them on the OCSC website.

Authority: O.C.G.A §§ 14-3-101, 20-2-880, 20-2-910, 20-2-1185, 20-2-2061 through 20-2-2074, 20-2-2080 through 20-2-2083, 20-2-2085 through 20-2-2086, 20-2-2088, 20-2-2090 through 20-2-2092, 20-2-2095.1 through 20-2-2095.5, 20-14-30 through 20-14-41, 20-2-204, 20-2-161, 20-2-164, 20-2-167.1, 50-14-1, 50-13-13, 50-18-70.

Adopted: January 15, 2026 **Effective**: February 4, 2026