

State Charter School Facilities

General Guidance and Considerations



State Charter Schools Commission of Georgia

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Introduction

Procuring an appropriate facility is one of the largest tasks a charter school will undertake. A proper facility will have implications for student health and safety, implementation of your academic model and future growth and sustainability.

It is critical that charter schools understand the complex world of facilities procurement and have a facilities plan in place that addresses the school's needs, goals and budget.

Finding the right facility for your charter school will not be an overnight process. Facilities procurement involves a lengthy planning stage, the actual search for an appropriate facility and then additional due diligence once an option is selected.

The State Board of Education, through the Georgia Department of Education, is charged with ensuring that all public school facilities are located, built, and maintained in a manner that protects the health and safety of students. To effectuate that duty, the Georgia Department of Education Facilities Services Division plays an active role in the development and maintenance of school facilities and will assist the state charter school in finding creative solutions to meet its needs while ensuring student safety

This guide is intended to serve as a brief overview of some general regulations and basic considerations relevant to state charter schools and the facilities procurement process. This guide is not, and is not intended to be, exhaustive. There will be additional requirements that are not discussed herein. This guide should not be construed as providing legal advice. It is the responsibility of each state charter school to consult legal counsel for definitive requirements of law and advice. Nothing in this guide is intended to provide new law or obligations outside the requirements of existing law and regulations. This guide does not have the force and effect of law, and should not be cited as such.

SCSC Facility Rule

SCSC [Rule 691-2-.06](#) establishes specific requirements for state charter schools as it relates to facility selection, approval, and compliance. State Charter Schools should review and refer to the rule to ensure compliance.

The following is a summary of the relevant requirements:

Legal Requirements

Documents to submit to the SCSC Executive Director or Designee for review or approval:

1. Leasing a facility – final draft lease and any amendments for review
2. Purchasing a facility – financing documents (loan, bond) thirty (30) days prior to closing for review
3. Acquiring a facility through an ESP arrangement – final draft of the written agreement for approval

Facility Legal Obligations:

1. Maintain a valid Certificate of Occupancy throughout the charter term
2. Prepare a safety plan and submit it to the local emergency management agency in accordance with O.C.G.A. § **20-2-1185**

Relocation or Changing Facilities

State charter schools must obtain written approval from the SCSC Executive Director before changing facilities. Schools should use the [Facility Approval Request form](#) on the SCSC's website to submit requests. Changing facilities means changing the physical location of the charter school building, facility, or site. A majority vote of the state charter school governing board is required to authorize negotiations to purchase, dispose of, or lease property. The SCSC must be notified no later than twenty-four (24) hours after the governing board's vote. Negotiations to change facilities should not occur less than ten (10) months before a new school year begins. Additionally, the SCSC may request that the school provide additional information pertaining to the school's facility plan as a part of the relocation process. Specific information requests and milestones will be established on a case-by-case basis based on the school's particular circumstances.

Additions and Expansions

In the event that an operational school wishes to add or expand facilities, it must adhere to requirements contemplated in the SCSC's Facility Rule. First, state charter schools must obtain written approval from the SCSC Executive Director before adding or expanding facilities. Schools should use the [Facility Approval Request form](#) on the SCSC's website to submit requests. Additionally, the SCSC may request that the school provide additional information pertaining to the school's facility plan as a part of the addition or expansion process. Specific information requests and milestones will be established on a case-by-case basis based on the school's particular circumstances.

Sample Addition, Expansion, and Relocation Timelines

Below are possible examples of relevant timelines and milestones that a school can anticipate as a part of the SCSC's facility information request process.

Examples Timeline and Milestones – Relocation

1. TBD based on school circumstances (refer to requirements in SCSC Rule 691-2-.06) – Request the approval to move/relocate from the SCSC Executive Director using the [Facility Approval Request form](#)
2. Directly following ED approval – Notify GaDOE Facilities about move and new location.
3. Ongoing – Submit monthly (bi-weekly if needed) construction schedule updates to SCSC. (Dates will be added to your specific schedule based on the date of relocation approval by the SCSC Executive Director)
4. February 1st (or ASAP based on relocation approval by SCSC ED) – Submit any final draft lease agreements or financing agreements to the SCSC for review.
5. April 15th – Notify families that the school will be moving to another location.
6. May 15th – Notify SCSC of Substantial Completion and schedule SCSC Facility Walkthrough.
7. June 1st – Complete a Facility Walkthrough with SCSC staff.
8. June 1st – Notify families of the school's address for the upcoming school year.
9. July 1st – Submit a copy of the Certificate of Occupancy for the final facility location(s) for the upcoming school year.

Example Timeline and Milestones – Addition or Expansion

1. TBD based on school circumstances (refer to requirements in SCSC Rule 691-2-.06) – Request the approval from the SCSC Executive Director to add to/expand to the school using the [Facility Approval Request form](#)
2. Directly following ED approval – Notify GaDOE Facilities about the addition/expansion.
3. Ongoing – Submit monthly (bi-weekly if needed) construction schedule updates to SCSC. (Dates will be added to your specific schedule based on the date of expansion/addition approval by the SCSC Executive Director)
4. February 1st (or ASAP based on expansion/addition approval by SCSC ED) – Submit any final draft lease agreements, lease amendments, or financing agreements to the SCSC for review.
5. May 15th – Notify SCSC of Substantial Completion and schedule SCSC Facility Walkthrough.
6. July 1st – Submit a copy of the Certificate of Occupancy for the final facility location(s) for the upcoming school year.

Planning for a Facility – Basic Considerations

Size

It likely goes without saying that one of the initial considerations is the size of the facility that the charter school requires. Although the immediate physical capacity of a particular facility is important, charter schools should not neglect additional considerations. Other considerations might include:

- Whether the facility is the appropriate size for the implementation of the proposed academic model?
- Does the facility have additional space for use as a cafeteria, gym or media center?
- Although the facility may have the capacity to accommodate the initial operational year, does the facility also have the necessary room available for growth throughout the charter term? If not, when would the school need to expand or relocate to accommodate the proposed growth pattern?

Budget

The cost of a space is likely one of the foremost considerations when vetting possible facilities. Best practice dictates that no more than 15% of a school's annual revenue should be allocated toward facility expenses. Therefore, in addition to rent or mortgage payments, schools must also consider the costs of renovation, utilities, insurance, and maintenance. For example, an older structure may provide greater capacity but may not be particularly energy efficient or may require costly renovations. If a school plans to rent its facility, it is also imperative that it fully understands the terms of the lease since this will often impact the overall cost of the facility. For example, some leases may call for an increase in rent payments each year or place the responsibility for any common area maintenance on the tenant. Finally, when considering your budget for a facility, keep in mind that it is always best to budget conservatively because it is likely that unforeseen facility expenditures will arise.

Mission and/or Goals of the School

Any possible facility must be well-situated to align with the mission and/or goals of the school. For example, a STEM school may require a facility with space that can be converted to labs with relative ease. Similarly, if a charter school emphasized an agriculture focus, they must ensure that the facility has suitable outdoor space. Ideally, any facility will enhance or extend learning opportunities by complementing the mission and/or goals of the charter school.

Renovation

When considering a possible facility, it is imperative that any renovation requirements are also considered since this can greatly impact facility cost. Charter schools must recognize that start-up capital, particularly money dedicated toward facility expenses, will pose a challenge. Some renovations may be legally required (such as asbestos removal) whereas other renovations may be needed to create an environment conducive to learning (such as replacing and/or repairing malfunctioning HVAC systems).

Community and Geographic Area

Many charter schools have a goal to serve a particular community or conversely a broad geographic area. Depending upon the particular vision of a charter school, the school will need to carefully consider any proposed location. Any location should align with the attendance zone and be well-situated to serve the targeted area(s). For example, a charter school which desires to serve a subset of neighborhoods would likely need to locate in the immediate area they wish to serve. However, a charter school wishing to serve a broad geographic region may be more concerned with a central location that is easily accessible by several modes of transportation.

Alcohol and Weapons

Per Georgia law O.C.G.A. 3-3-21, it is illegal to sell distilled spirits within 600 feet of a school building and wine or malt beverages within 300 feet of a school building. If your potential facility may be impacted by these requirements, it is imperative that you work with the Facilities Services Unit at the Georgia Department of Education to ensure that your site will meet approval expectations.

Using a Religious Facility

Some charter schools opt to locate in a facility typically used for religious purposes. Although nothing in the law precludes this arrangement, it is imperative that schools take care to avoid any commingling of education and religious activities. When considering a religious facility, schools should ensure that the area of the facility the school intends to occupy does not contain religious paraphernalia that cannot be covered or removed. Additionally, the space occupied by the school should not be utilized by the religious facility or its employees during the school day for any purpose. You can find additional information regarding the use of religious facilities [here](#).

Contracting with a Local District

On occasion, a local district may have an unused facility which they may allow a state charter school to rent. Although a former school building may appear to be an ideal facility, schools must proceed with caution. Many times former schools still require significant renovation before they are once again suitable for use as a school.

Selecting a Facility – Next Steps

Once a school has performed its due diligence and narrowed down its number of possible facilities, the school must then begin working with the Georgia Department of Education's Facilities Services Unit to confirm that a possible facility would meet all applicable requirements. To be clear, schools should have a reasonable belief that a site could meet expectations before including a site as a final candidate. A school should not execute a binding lease on any property until it has received final site approval and architectural review feedback from the Facilities Services Unit.

Facility Approvals Process

The first step in the facility approvals process is obtaining site approval from the Facilities Services Unit. Site approval should occur before a new site or additional acreage is purchased or leased or before an addition to an existing facility is constructed on the site. The criteria for site approval will be discussed in additional detail below. Once site approval is obtained, the Facilities Services Unit will issue the school a site code. Once the site code has been issued, the school may proceed with purchasing or executing a lease for the property. After obtaining or leasing the property, the school must submit all architectural plans or as built plans to the Facilities Services Unit for review to obtain a facility code. Once the facility code is issued, the school may proceed with construction.

Criteria for Selection of Educational Facility Sites

Schools should keep the following criteria in mind as they are conducting their facility search:

- Electricity, gas, water, sewage, telephone services, and high speed internet access are essential to the operation of an educational facility and must be accessible to the proposed site.
- An evaluation of site accessibility and the flow of traffic will need to be performed to determine any road improvements that must be incorporated in the site development. Site access from two different roads is preferable. Bus traffic and car traffic should be separated whenever feasible.
- The physical characteristics of the site should be such that the cost of grading, drainage and development will be relatively low. It is strongly recommended that a school obtain a professional geotechnical evaluation for physical development prior to purchasing the property.
- All site approvals must be accompanied by a letter of assurance that sufficient acreage for buildings and structures is outside the 100 year floodplain or the Coastal High Hazard Area.
- Whenever possible, the selection of an educational facility site in an area zoned for commercial or industrial development should be avoided. The location should be insulated from business and industrial development. The routes to and from the site should not expose children to hazardous environmental materials or safety hazards.
- The site should be free of conditions and installations which endanger the life, safety and health of children. If one or more of the potential hazards identified in the [Georgia Department of Education's Guideline for a Risk Hazard Assessment of Educational Facility Sites](#) exists on or near a proposed site, further consideration should be given to (a) evaluating other sites where these potential hazards do not exist, or (b) determining how the potential risk posed to students and faculty by an existing hazard could be minimized. Costs associated with implementing risk reduction measures should be considered when making a final decision regarding a proposed site.
- When possible, a facility structure and/or feasibility study should be completed. This will help determine if the facility will need minor or major repairs and the life span of the MEP (mechanical, electrical and plumbing) systems.

➤ Georgia Department of Education's List of Hazards:

- Electrical transmission lines
- Oil or petroleum transmission lines and storage facilities.
- Natural gas transmission and distribution lines larger than 10 inches with a PSI of 200 or greater.
- Hazardous chemical pipelines
- Propane storage facilities
- Major highways
- Airports, approach and departure paths
- Industrial or manufacturing facilities
- Lakes, rivers, dams, reservoirs, or other bodies of water on site or adjacent to site
- Potential flooding because the property is located within the 100 year flood plain or dam breach zone.
- Nuclear waste storage facilities
- Munitions or explosive storage or manufacturing
- Water towers adjacent to the site
- Active or abandoned mines or quarries
- Remedial hazardous waste sites
- Landfills and dumps
- Sewage treatment plants
- Power plants
- Military installations

Additional details and guidance can be located on the Facilities Services Unit webpage:

Click [here](#) for the *Guideline for Risk Hazard Assessment of Educational Facility Sites*.

Click [here](#) for the *Guideline for Educational Facility Site Selection*.

Click [here](#) for the *Information for Charter Schools document from the Facilities Services Unit*

Architectural Review

Rules of the State Board of Education require that documents for planning and construction of educational facilities in which students are to be housed be submitted to the Facilities Services Unit of the State Department of Education for review and/or approval in three different stages. Final plans and specifications must be approved by Georgia Department of Education (GaDOE) Facilities Section before a project is advertised.

Click [here](#) for the *Guideline for Submission of Documents for Review of Planning, Bidding, and Construction of Educational Facilities*.

Bidding

Public works bidding requirements are governed by O.C.G.A. 36-91-20 *et seq.* and are not waivable by charter schools. "Construction" or "public works" contracts include contracts for design, engineering, construction, alteration, modification, demolition, maintenance and repair of fixed assets, as well as consultant contracts relative to such activities. Public works contracts also include all public contracts that are covered by the statutory requirements for a payment or performance bond. **As a general rule, if the contract is to be performed on public property and involves a fixed asset, the contract is a public works contract and competitive bidding is required.** For additional information or questions, schools should seek the advice of an attorney experienced in this area of practice.

Before Opening

Certificate of Occupancy

Before a facility can be occupied, the school must first obtain a Certificate of Occupancy. Certificates of Occupancy are obtained from your local county or municipality.

This should be obtained no later than July 1st of the year that the school opens or plans to use the facility. Schools that fail to obtain a Certificate of Occupancy by that date may be required to suspend opening until the following year. An operational school that fails to obtain a Certificate of Occupancy for its expansion or relocation will not be allowed to use that facility to serve students until it is received. Further, the school may face emergency suspension if it is unable to deliver educational services to students due to a lack of a Certificate of Occupancy. It is critical that the school's facility plan and timeline contemplates the school receiving the Certificate of Occupancy well before that date to account for any construction or permitting delays.

An SCSC facility walkthrough may be scheduled before and/or after obtaining a Certificate of Occupancy.

Emergency Safety Plan

Pursuant to [O.C.G.A. § 20-2-1185](#), every public school must prepare a school safety plan and submit it to the local emergency management agency. The school safety plan is designed to address and respond to violent incidents to promote a safe learning environment for students and healthy school climate for employees. The school safety plan must also address preparedness for natural disasters, hazardous materials or radiological accidents, acts of violence, and acts of terrorism. Additionally, the security of students in the school safety zone and transportation to and from school and school functions must be included in the school safety plan.

The state charter school should seek input from students, parents, teachers, other employees, community leaders, local law enforcement, fire service, and public safety and emergency management agencies in developing its school safety plan. The school safety plan must be reviewed and updated on an annual basis. The state charter school must submit the school safety plan to the local emergency management agency. The Georgia Emergency Management Agency provides training and technical assistance in the development of school safety plans.

More information on school safety planning is available from the Georgia Emergency Management Agency [here](#).

This plan should be finalized and submitted to the local emergency management agency by July before the school opens.

Facility Planning for Petitioners

Suggested Timeline

The search for a facility should begin around a year before you plan to submit your application to the SCSC.

Example: If the petitioners plan to submit to the SCSC in March of 2025, the facility search should begin around March of 2024, or April of 2024 at the latest.

By January of the year of the submission, you should narrow your choices to 2 or 3 top candidates.

Example (cont'd): By January 2025, the petitioners should have narrowed facility possibilities to the top 2 or 3 choices.

A high quality SCSC petition should include a finalized facility selection and a backup location along with supporting information for the selections.

Example (cont'd): When the petitioners submit to the SCSC in March of 2025, the application should include a finalized facility selection and may include a backup facility.

Petitioner interviews will typically occur in June following the petition submission deadline in March, at which time petitioners should be able to provide updates on the school's facility selection process. Once petitioners have selected their final facility candidate, they should begin the site approval process at once, with the goal of obtaining site approval by the end of the calendar year directly following approval. Petitioners should keep in mind that a Phase 1 Environmental Site Assessment, with a potential risk/hazard analysis will be necessary. An appropriate amount of time for this report should be included in the planning schedule.

Example (cont'd): In June 2025 during the SCSC panel interview, the petitioners should be able to provide updates on the status of the site approval process. And, by December of 2025, the petitioners should have secured site approval.

Traditionally, the SCSC tries to issue school approvals in July. Although petitioners must take care not to enter into any binding agreements until approval is final, petitioners are encouraged to continue their due diligence in order to maintain a facility timeline that affords a timely opening. Once the approval is final, petitioners should move forward with finalizing and executing a lease for the facility and securing the necessary codes from the Georgia Department of Education.

Example (cont'd): The petitioners would receive SCSC approval in July 2025 and immediately thereafter be finalizing their facility lease and required documentation to receive a site code from the Facilities Services Unit.

The next steps include submitting architectural plans for the facility to the Facilities Services Unit and securing a facility code. Ideally, this would happen by January following your SCSC approval.

Example (cont'd): Petitioners would submit architectural plans to the Facilities Services Unit and secure a facility code by January 2026.

By January, the school should be poised to begin any renovation or construction. This timeline assumes that any renovation and construction can be completed in around 6 months. By June of the following year, the school should be in a position to secure a Certificate of Occupancy and create an Emergency Plan. The Emergency Plan should be submitted to your local Emergency Management Agency.

Example (cont'd): Renovation or construction would begin in January 2026 and be completed around June 2026. The school would secure a Certificate of Occupancy and create an Emergency Safety Plan in June 2026.

The summer months will be used to install FF&E (Furniture, Fixtures & Equipment) and outfit the facility to best serve students when the doors open in August.

Example (cont'd): At long last, the school would open its doors to students in August 2026.

Hopefully, the timeline imparts that the facilities process is extremely lengthy and rigorous. The facilities process, from the beginning of the search to the school's opening, will span about 2 years. It is important to begin the process early and appropriately manage the school's facility timeline in order to address issues as they arise and prevent delays.

Considerations for the Future

Strategic facility planning is integral to the long-term success of a charter school. Once a school has cleared the initial hurdle of securing and opening a facility, the school should engage in a strategic facility planning process. It is likely that facility adjustments will need to be made in the future to accommodate growth, expansion or further upgrades. Having a strategic facility plan in place will ensure the school stays on-track and makes deliberate and sound facility decisions.