



# New SCSC Rule Provisions Adopted June 2016

## Overview

At its meeting on June 29, 2016, the State Charter Schools Commission amended rule 691-2-.03 *State Charter School Monitoring* and created a new rule 691-2-.06 *State Charter School Sites and Facilities*. All state charter schools are expected to adhere to the new provisions of these rules by August 1, 2016. The amendments to 691-2-.03 *State Charter School Monitoring* clarify that the SCSC Comprehensive Performance Framework will be the measure of academic, financial, and operational accountability for state charter schools authorized or renewed in 2015 or later. Additionally, new provisions of this rule require state charter schools to post certain existing information on their website in an effort to promote transparency. New SCSC rule 691-2-.06 *State Charter School Sites and Facilities* describes the responsibility for state charter schools to adhere to applicable rules and laws to receive appropriate approval from the Georgia Department of Education for the use of a facility for educational purposes and to abide by all rules and law related to student safety and security. This rule also requires state charter schools to provide copies of their lease, rental agreement, or evidence of title to the SCSC for the facilities they utilize and to receive prior approval from the SCSC Executive Director prior to adding or changing a facility. State charter schools are already required to adhere to many, but not all, provisions of this new rule by virtue of obligations in their charter contracts.

## Specific New Requirements

### **691-2-.03 State Charter School Monitoring**

Each state charter school must have a website with easy access for the public to the following information:

- Governing Board membership;
- Governing Board meeting calendar;
- Meeting agendas for upcoming Governing Board meetings;
- Meeting minutes for past Governing Board meetings (unless the Georgia Open Meetings Act limits their publication);
- Procedure for contacting the school's Governing Board;
- Procedure for contacting the school's most senior school administrator;
- Any admissions application utilized by the school;
- Notification of enrollment and admission procedures required by SCSC Rule 691-2-.05, including the date, time, and location of any upcoming enrollment lottery; and
- The charter school's charter contract.

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

To ensure the **health and safety** of its students, employees, and visitors, each state charter school must:

- ensure a safe and healthy school environment and comply with all applicable laws, rules, regulations, and provisions of its charter contract relating to the school's site and facilities;
- obtain a site code, facility code, and school code from the Georgia Department of Education (GaDOE) prior to using a facility;
- adhere to GaDOE's requirements for the issuance of site code, facility code, and school codes;
- obtain and display a Certificate of Occupancy for its facility prior to occupancy;
- maintain a valid Certificate of Occupancy throughout its entire charter term;
- prepare a safety plan in accordance with O.C.G.A. § 20-2-1185 and submit the plan to the local emergency management agency that oversees the area in which the school is located no later than July 1 each year of its charter term;
- secure adequate insurance coverage prior to occupancy and shall maintain adequate coverage throughout the charter term;
- take reasonable steps to ensure the safety and security of students, employees and visitors, including but not limited to, ensuring the facility is clean and in good repair; remediating any visible safety concerns in a timely manner; and taking steps to protect the campus from potential intrusion;
- comply with the Asbestos Hazard Emergency Response Act (AHERA) and the terms of any applicable asbestos remediation plan; and
- allow the SCSC and its staff to conduct onsite inspections of any and all facilities or property either owned or utilized by the charter school, which may occur without prior notice.

When **leasing or purchasing a facility**, each state charter school must:

- have a written lease or rental agreement when using a facility not owned by the school;
- submit the final lease or rental agreement for a facility to the SCSC prior to executing the agreement;
- submit any amendment to a lease or rental agreement to the SCSC prior to executing the amendment; and
- submit a copy of the note or bond to the SCSC within 30 days of closing on the facility purchase when purchasing a facility from a loan, bond, or other debt.

When **changing a facility**, each state charter school must:

- receive prior written approval from the SCSC before changing a facility;
- obtain a site code, facility code, and school code from GaDOE for the new facility;
- submit lease or purchase documents to the SCSC that are also required by the rule.

When **adding or expanding a facility**, each state charter school must:

- receive prior written approval from the SCSC;
- add or expand facilities in a manner that is consistent with SCSC guidance regarding school expansion and replication;
- obtain a site code, facility code, and school code from GaDOE for the new facility and submit documents to the SCSC that are also required by the rule;
- submit lease or purchase documents to the SCSC that are also required by the rule; and

- comply with all open enrollment requirements as described in O.C.G.A. § 20-2-2066 and SCSC Rule 691-2-.05

## FAQs

### **691-2-.03 State Charter School Monitoring**

#### **1. Why is the SCSC requiring schools to post this information?**

Georgia is committed to ensuring transparent operations of school districts and charter schools. For example, O.C.G.A. § 20-2-167.1 (which goes into effect on July 1), requires school districts and state charter schools to hold two public hearings prior to adopting an annual budget. The SCSC furthers this dedication to maintaining high standards of transparency both for its operations and the operations of state charter schools. Additionally, several state laws have been passed or proposed that require schools to promote transparency in their operations. While many state charter schools readily make information available on their websites, there is room for improvement across state charter schools as a whole. One of the leading concerns expressed to the SCSC from parents and other stakeholders is not knowing who and how to contact those responsible for the day-to-day operations of a school. By having this information available on state charter school websites, schools and the SCSC will increase efficiency by allowing stakeholders to directly access information that is often requested from multiple sources. Keeping this information up to date on state charter school websites will allow state charter school leaders to focus on school administration rather than responding to data requests. Additionally, SCSC staff will be able to access basic information regarding state charter schools, which will minimize its need to request data on an individual basis.

#### **2. How often are state charter schools required to update this information?**

Because the goal of this rule is to promote transparency, each state charter school should update information on its website as changes occur. The SCSC will defer to individual schools to establish policies and procedures for ensuring that updates occur in a timely manner. Failing to update data in a manner that creates consistent patterns of noncompliance may lead to additional requirements and regulation.

#### **3. What does “easily accessible” mean?**

The SCSC will defer to individual schools for the design and maintenance of their respective websites. However, this information should be available to stakeholders without the need to create accounts or otherwise provide or verify information.

#### **4. What timeframes apply to posting governing board meeting agendas and minutes?**

State charter schools must adhere to notification requirements provided in the Georgia Open Meetings Act. O.C.G.A. § 50-14-1(e)(1) requires agendas to be available as far in advance as reasonably possible but at some time during the two-week period immediately prior to the meeting, at a minimum. Meeting minutes are not required to be posted within a certain timeframe. Accordingly, the SCSC will defer to individual schools to establish policies and procedures for ensuring that minutes are posted in a timely manner.

#### **5. Is there a specific contact procedure that schools should use for contacting the school’s administration or governing board?**

The SCSC will defer to individual schools for establish policies and procedures for ensuring that contacting the school administration and governing board. These procedures may include an appropriate chain of command for stakeholders to follow prior to contacting the school

administration and governing board. Most schools likely already have procedures they utilize that allow stakeholders to contact appropriate individuals in the chain of command.

**6. When do admissions applications and enrollment procedures need to be published?**

State charter schools should continue to make admissions applications available as long as they enroll students even though they may be oversubscribed. This allows the school to fulfill its open enrollment requirements as students completing applications during periods of enrollment will be added to the school's waitlist. Enrollment and admission procedures should be available in accordance with the school's policies, but, at a minimum, must be made available no later than two weeks prior to an enrollment or admission opportunity pursuant to SCSC Rule 691-2-.05.

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

**1. Why doesn't my flexibility offer some reprieve to facility requirements?**

In accordance with their charter contracts and state law (O.C.G.A. § 20-2-2065(b)(5)), state charter schools are required to adhere to laws, rules, and regulations protecting the health and safety of students, employees, and visitors. Ensuring that school facilities are appropriately approved and secured is critical to the health and safety of students, employees, and visitors.

**2. How much insurance is "adequate"?**

State charter schools should obtain enough insurance to protect its assets and ensure continued operation of the school in the event the school needed to make a claim. The specific amount of insurance will vary from school to school and will lie within the discretion of the school's governing board.

**3. Some students in my school receive instruction at an alternate location for a portion of their day does this location need separate facility codes?**

It depends. If the students receive instruction at an alternate location on an irregular or infrequent basis, such as outdoor science classes at a local nature preserve, it is likely not necessary for the school to obtain approval of that facility by GaDOE. However, if the school will utilize another location or site for regular instruction, the school will need to ensure the facility receives appropriate approval. Please note that facilities operated by local school districts have likely already received facility approval from GaDOE and no further approval from GaDOE is needed prior to its use by the charter school; however, the school will need to obtain approval from the SCSC to add each new facility it utilizes.

**4. Why does the SCSC need to review leases or amendments before they are executed?**

The SCSC frequently receives requests for information and data regarding charter school facilities, including, but not limited to, the types of facilities used by charter schools, the expenditures related to charter school facilities, and the division of costs and obligations between the charter school and landlord. Collecting this information in an orderly and systematic manner allows the SCSC to be responsive to its stakeholders while minimizing the burden on schools by eliminating ad hoc requests during the school year. Additionally, obtaining leases and agreements prior to the execution allows the SCSC to provide feedback to the school in the event the lease contains provisions that would endanger the school or its prospects for renewal. The SCSC will not substitute its discretion for that of the school's governing board by interfering with the board's decision to execute a particular lease or agreement.

**5. Why does the SCSC need to approve changing a facility?**

Notifying the SCSC prior to changing a facility allows the SCSC to fulfill its statutory duty to monitor and evaluate state charter schools. Once notified of a state charter school's intent to change facilities, the SCSC will be in a better position to communicate with state level partners to help minimize possible disruptions to school operations and to ensure the school remains eligible to receive funding by obtaining all requisite facility and site codes. Additionally, receiving the intent of a state charter school to change facilities prior to its relocation allows the SCSC to ensure the relocation will not endanger its continued operation. The SCSC will not substitute its discretion for that of the school's governing board by interfering with the board's decision to relocate the school if the proposed relocation is consistent with the law and the school's charter contract. (An example of when a relocation is not allowable by law would be a school with a defined attendance zone changing to a facility that is outside that attendance zone.)

**6. Why does the SCSC need to approve adding or expanding a facility?**

Notifying the SCSC prior to adding or expanding a facility allows the SCSC to fulfill its statutory duty to monitor and evaluate state charter schools. Significant budgetary and governance implications are associated with the addition of a new facility and/or the expansion of an existing facility's capacity. As a result, the SCSC must evaluate a request to add or expand facilities to ensure the board is acting in a manner that is consistent with law, SCSC guidance, and national best practices; all of which highlight the importance of preserving local governance and maintaining strong community support when expanding into new areas of a city, county, or state.

**7. How do I notify the SCSC that I am changing, adding, or expanding a facility?**

You may notify the SCSC of your school's intent to change, add, or expand a facility by sending a letter or email to the SCSC Executive Director. You will receive a response from SCSC staff as quickly as possible, which will usually be within one week.