

691-2-.02 State Charter School Petitions

(1) **State Charter School Petitions.** The state charter school petition is a proposal to create a new charter school or to renew the charter of an existing charter school. The petition serves to describe and summarize the charter school's mission and proposed operations. The petition shall address all applicable requirements of the Charter Schools Act of 1998, as amended (O.C.G.A. §§ 20-2-2060 through 20-2-2071), requirements applicable to state charter schools as provided by O.C.G.A. § 20-2-2084, State Board of Education Rules applicable to charter schools, and State Charter Schools Commission of Georgia (SCSC) Rules. The petition shall also address the charter school's capacity to adhere to the responsibilities of operating as a Local Education Agency (LEA) and operating with the funding provided to state charter schools rather than the funding provided to locally-approved charter schools.

(2) **Effect of Charter School Petitions and Charters.** A charter school petition is not a charter or contract and has no binding nature or legal enforceability. The submission of a state charter petition does not guarantee that the SCSC will approve the petition or authorize the charter school. If a charter school petition is approved by the SCSC, the SCSC and charter petitioner will then execute a charter. The provisions of the charter may depart from provisions in the charter petition. The charter, rather than the petition, is the performance-based contract by which the state charter school and SCSC shall be bound.

(3) **Eligible Petitioners for State Charter Schools.** Pursuant to O.C.G.A. § 20-2-2084, a charter school petitioning for authorization by the SCSC must either:

- (a) Have a state-wide attendance zone; **or**
- (b) Have a defined attendance zone and demonstrate that the charter school has special characteristics, such as a special population, a special curriculum, or some other feature or features which enhance educational opportunities.

(3) **State Charter School Petition Application.** The SCSC will create and disseminate through its website a petition application for prospective charter schools to utilize in submitting a charter petition for authorization by the SCSC. The petition application shall detail the expected contents, information, assurances, and forms expected by the SCSC when considering charter school petitions. Petition applications that do not include all information requested or adhere to all technical form requirements of the application may not be considered for approval by the SCSC. The SCSC may impose a deadline by which petition applications must be submitted for consideration by the SCSC. Petition applications received after the deadline, if any, will not be considered by the SCSC.

(4) **Concurrent Submission.**

(a) Georgia law, specifically O.C.G.A. § 20-2-2084(c), requires charter schools petitioning for authorization from the SCSC to submit such petitions concurrently to local boards of education as described below.

1. A charter school that has a state-wide attendance zone that is petitioning for authorization by the SCSC shall submit its petition to the local board of education in which the school is proposed to be located concurrently with its submission of its petition to the SCSC. The submission of the charter petition to the local board of education is for informational purposes only. The SCSC may consider the charter school petition for approval without action by the local board of education.

2. A charter school that has a state-wide attendance zone that only provides virtual instruction that is petitioning for authorization by the SCSC is not required to submit a charter petition to a local board of education.

3. A charter school that has a defined attendance zone shall submit its petition to the local board of education in which the school is proposed to be located and to each local school system from which the proposed school plans to enroll students. The SCSC is prohibited from acting on the charter school's petition until the local board of education in which the school is proposed to be located denies the petition or fails to approve or deny the petition within the time allotted by O.C.G.A. § 20-2-2064.

(b) A charter school that has a defined attendance zone shall submit its petition to the appropriate local board(s) of education in accordance with the deadlines established by those local board(s) of education and the Georgia Department of Education. If required by the appropriate local board of education or the Georgia Department of Education, the charter school must also submit a letter of intent to the local board of education and the Georgia Department of Education in accordance with the appropriate deadlines. It is not the responsibility of the local school district to inform prospective charter schools of deadlines.

(c) As a charter school that has a defined attendance zone must submit its petition concurrently to the local board of education in which the school is proposed to be located and the SCSC is prohibited from acting on the petition until the local board of education denies or fails to approve the petition, the charter school petitioner shall notify the SCSC of the local board of education's action or inaction regarding the charter school. This notification shall be in the form and manner as specified in the State Charter School Petition Application.

(5) State Charter School Petition Review Process. The SCSC staff shall review each state charter school petition that is submitted to ensure that all state charter schools authorized by the SCSC are consistent with state education goals. The SCSC may establish multiple petition review cycles and limit a cycle to a specific type of petitioner, including, but not limited to, petitioners seeking to replicate or expand an existing charter school. The SCSC review process includes a review for legal compliance, a substantive petition review, and an interview with charter school's representatives. A local board of education may also express opposition or support for the charter petition during the state charter school petition review process.

(a) Legal Compliance Review.

1. The SCSC staff shall review each petition application submitted to the SCSC for its adherence to all state and federal laws applicable to the petition and charter school. This shall include laws related to the submission of the petition and laws related to the operation of school if opened.

2. If the legal compliance review of the state charter school petition reveals that the charter school petitioner failed to adhere to the legal requirements in submitting the petition or that the charter school would be substantially noncompliant with any law in its operation, the SCSC staff shall notify the petitioner of the legal deficiencies in writing. The state charter school petitioner may remedy the identified legal deficiencies and submit a revised state charter school petition to the SCSC for review in a subsequent petition cycle.

3. If the legal compliance review did not reveal any legal deficiencies, SCSC staff shall conduct a substantive petition review.

(b) Substantive Petition Review.

(1) The SCSC staff shall conduct a substantive petition review of each petition application submitted to the SCSC that did not reveal any legal deficiencies in its legal compliance review. In conducting substantive petition reviews, the SCSC staff may contract with third-parties or utilize volunteers as it deems appropriate.

(2) The substantive petition review shall be an in-depth evaluation of the charter school's mission, educational program, and proposed innovation as well as an examination of the charter school's business operations. The SCSC staff shall evaluate the charter petition to ensure that it is consistent with state education goals, including enhancing public educational opportunities to meet the growing and diverse needs of students and to provide the highest academic quality to increase student achievement and positive outcomes. Additionally, the SCSC staff shall also examine the charter school's proposed budget, funding sources, business partnerships, facilities, and any other operational aspects of the school during the substantive petition review to ensure that the school, if authorized, could operate in a fiscally responsible manner that would foster a positive school environment.

(3) The SCSC staff may request additional information or documents from the charter school petitioner to assist the staff in the substantive review. The SCSC staff may impose deadlines for the charter school petitioner to submit additional information or documents if requested. The SCSC staff may request additional information or documents from the charter school petitioner as often as necessary for the SCSC staff to complete the substantive petition review.

(4) If the substantive petition review reveals significant deficiencies, including, but not limited to, that the operation of the charter school would not be consistent with state educational goals or that it is readily apparent from the charter petition that the charter school operations would not be fiscally sound, the SCSC staff shall notify the petitioner of the deficiencies in

writing. The state charter school petitioner may remedy the identified significant deficiencies and submit a revised state charter school petition to the SCSC for review in a subsequent petition cycle.

(5) If the substantive petition review did not reveal any significant deficiencies, SCSC staff shall schedule an interview with the charter school's representatives.

(c) *Interviews.*

(1) The SCSC staff shall conduct interviews with the governing board of each charter school for which the legal compliance and substantive petition reviews did not reveal legal or significant deficiencies.

(2) The focus of the interview shall relate to the governing board and school leadership's capacity to operate a charter school that is consistent with state education goals, and to do so in a fiscally responsible manner that fosters a positive school environment.

(3) The SCSC staff shall schedule interviews in a manner that accounts for scheduling conflict; however, the final decision as to interview time and location is in the discretion of SCSC staff.

(4) The officers of the governing board and school leader shall attend the interview. Other representatives of the charter school that may attend the interview include, but are not limited to, all members of the governing board, school leadership positions, and key personnel of identified school partners.

(5) The SCSC shall assemble an interview panel that may include SCSC staff, SCSC Commissioners, education experts, and any other individuals whose knowledge and expertise would assist the SCSC in its decision to authorize the charter school.

(6) All representatives of the charter school and interview panel shall attend the interview in-person; however, SCSC staff may allow representatives of the charter school or members of the interview panel to attend through communication devices in extraordinary circumstances.

(7) Members of the interview panel shall provide feedback and recommendation to the SCSC staff regarding approval or denial by the SCSC of the charter school's petition upon conclusion of the interview.

(d) *Position of the Local Board of Education.* A local board of education may express its support or opposition of a state charter school petition to the SCSC, including the reasons it chose to deny the charter petition and the specific deficiencies in the charter petition that resulted in its denial. The local board of education may express its position in its written notification of denial to the charter school petitioner or through a separate written communication to the SCSC. All written communications of the local board of education

expressing its support or opposition of a state charter school petition shall be included with the state charter school petition application for consideration by the SCSC and its staff.

(6) Information Considered. Post-petition review actions and official action by the SCSC may be based on all available information regarding a charter school petition, including, but not limited to, the petition, the interview with the petitioner, input from the local board of education, publically available information, any supplemental information received from the petitioner in response to an SCSC staff request, or relevant information submitted by other interested parties that may affect the school's viability and operation.

(7) Post-Petition Review Actions. The SCSC staff may take the actions identified below at the conclusion of the petition review process.

(a) Recommendation for Approval or Renewal. The SCSC staff may determine that the information presented by the charter school in its petition and interview merits a recommendation to the SCSC to approve or renew the charter school petition.

(b) Request for Information or Action. The SCSC staff may determine that additional information, documentation, or action by the petitioner is needed to clarify certain non-substantive aspects of the charter school's petition or operations before the SCSC considers the charter petition. The determination as to whether an aspect of the charter school's petition or operation is non-substantive and can be clarified through additional information or action is in the sole discretion of SCSC staff.

1. In instances in which the SCSC requests additional information from or action by a petitioner, the SCSC staff shall notify the charter school in writing of that additional information or action is needed, the specific information or action that is requested, and a deadline by which the charter school must submit the requested information or documentation that the action is complete. The SCSC staff may request clarifications as often as necessary to make a recommendation to the SCSC.

(i) SCSC staff may determine that information provided by a petitioner in response to a request for information or action is sufficient to allow SCSC staff to formulate a recommendation of approval or denial to the SCSC in accordance with the current petition review cycle timeline.

(ii) SCSC staff may determine that information provided by a petitioner in response to a request for information or action is not sufficient to allow SCSC staff to formulate a recommendation to the SCSC and further clarification(s) is required by the petitioner. In such instances, SCSC staff may delay the issuance of a recommendation until the petitioner completes all actions requested by the SCSC or SCSC staff or petitioner fails to complete actions in accordance with the timeline provided by SCSC staff. To ensure that a charter school has sufficient time to begin operation after receiving authorization, the SCSC, in its sole discretion, may require the charter school to open in a school year later than is outlined in its petition.

2. SCSC staff shall evaluate all information and documentation provided in response to requests for clarification and make a recommendation to the SCSC. The SCSC staff may make a recommendation to the SCSC to deny or nonrenew the charter petition of the charter school if the charter school does not submit a timely response to a request for clarification. The decision by SCSC staff to request additional information or action or to delay SCSC action on a charter school does not preclude SCSC staff from later recommending that the charter school be denied.

(c) *Recommendation for Denial or Nonrenewal.* The SCSC staff may determine that the information presented by the charter school in its petition and interview merits a recommendation to the SCSC to deny or nonrenew the charter school petition.

(8) Official Action.

(a) The SCSC may approve, deny, renew, or nonrenew state charter school petitions.

(b) The SCSC may, in its discretion, preliminarily approve a state charter school petition before the petitioner has secured space, equipment, or personnel, if the state charter school petitioner indicates that such preliminary approval is necessary for it to raise working capital.

(c) The SCSC may condition approval of the charter school's petition on the charter school petitioner's acceptance of a charter term or opening date different than those proposed in the state charter school petition application or on specific provisions, goals, or measures in the charter.

(d) The initial term of a charter contract approved by the SCSC shall be five years.

(e) All official actions of the SCSC when considering charter school petitions shall be by majority vote.

Authority: O.C.G.A. §§ 20-2-2083; 2084; 2091.

Adopted: January 25, 2017

Effective: February 15, 2017