

691-2-.04 State Charter School Charter Amendments and Termination

(1) **Charter Amendments.** The provisions of the charter between the state charter school and the State Charter School Commission of Georgia (SCSC) may be amended during the term of the charter upon agreement between the charter school and the SCSC.

(2) **Charter Termination in General.** The charter for a state charter school may be terminated for failure to adhere to any material term of the charter, including but not limited to, its performance goals, the charter school's failure to meet generally accepted standards of fiscal management, the charter school's violation of applicable federal, state, or local laws or court orders, or any other reason provided in law.

(3) Charter Termination Initiated by the SCSC.

(a) The SCSC shall notify the state charter school 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 required by the Georgia Administrative Procedure Act, specifically O.C.G.A. § 50-13-13(a)(2).

(b) The state charter school shall have thirty (30) days from the date of the SCSC notification to submit a written response to SCSC staff. The written response must be received by SCSC staff by close of business on the thirtieth day following the date of the SCSC notification, unless the thirtieth day falls on a weekend or state holiday, in which case the written response must be received by SCSC staff by close of business next business day.

(c) The SCSC shall conduct a hearing following the state charter school's opportunity to respond. The hearing shall be held in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1, et. seq.. The SCSC shall conduct the hearing and render a decision within any applicable timeframe established under the Georgia Administrative Procedure Act. The SCSC, in its sole discretion, may refer the matter for a hearing by the Office of State Administrative Hearings.

(d) In the event the SCSC determines that the charter will be terminated, the SCSC shall provide a written statement detailing the reasons for termination.

(4) **Charter Termination Initiated by the State Charter School.** The governing board of a state charter school may request that the SCSC terminate its charter. Such request shall be made in writing to the SCSC. The SCSC shall act upon the request for termination without conducting a hearing.

(5) Charter Termination Initiated by Parents or Staff.

(a) Pursuant to O.C.G.A. § 20-2-2068(a)(1), the majority of parents or faculty and instructional staff may request that a state charter school's charter be terminated. The group requesting the termination of a charter under O.C.G.A. § 20-2-2068(a)(1) shall submit a written petition to the SCSC that includes the following information:

1. Evidence that the group held a public meeting pursuant to O.C.G.A. § 20-2-2068(a)(1) within the thirty (30) days preceding the date of the petition.
2. A copy of the minutes of the public meeting where the request for termination was voted upon.
3. A written statement, including supporting documentation, detailing which grounds for termination, as listed under O.C.G.A. § 20-2-2068(a)(2,) the group is requesting termination.
4. Evidence that the group provided an identical copy of the materials being provided to the SCSC to request termination of the charter to the officials of the state charter school, which must, at a minimum, include the school leader and president of the governing board. A written statement signed by a member of the group requesting termination stating that such materials were provided to the officials of the state charter school may serve as evidence of such; and
5. Any other information the group requesting the termination of a charter deems pertinent.

(b) The state charter school shall have thirty (30) days from the date the charter school officials first receive the group's petition requesting termination to submit a written response to SCSC staff. The written response must be received by SCSC staff by close of business on the thirtieth day following the date of the first receipt of the petition requesting termination, unless the thirtieth day falls on a weekend or state holiday, in which case the written response must be received by SCSC staff by close of business the next business day.

(c) Upon receipt of the request for termination and following the 30-day period for the state charter school's response, and at the request of the charter school or group petitioning for the closure of the charter school, the SCSC shall conduct a hearing and render a decision in accordance with Georgia's Administrative Procedures Act. If no such request for a hearing is made, the parties waive their right to a hearing and the SCSC shall render a vote based only upon information submitted by the parties and recommendation of SCSC staff.

(d) If the SCSC votes not to terminate the charter, the SCSC shall take notice of the request for termination during the renewal process for the state charter school, if any.

Authority: O.C.G.A § 20-2-2068; 2091.
2014

Adopted: October 29, 2014 Effective: November