

Legal Compliance Review

State Charter Schools
Commission of Georgia



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Overview

- Petition Technical Requirements
- Petition Completeness
- Requirements of a Charter School
- Unwaivable Laws and Rules

Petition Technical Requirements

- Petitions that do not adhere to all technical form requirements of the application may not be considered for approval by the SCSC.
- The petition application will detail the technical form requirements.
- Common requirements are:
 - Pages numbered in the document footer;
 - The proposed charter school name is in the document header;
 - Petition does not exceed 100 pages, exclusive of appendices;
 - Petition does not utilize a font smaller than 11 point Times New Roman;
 - Petition does not utilize margins smaller than 1 inch on all sides;
 - Electronic documents are clearly identified in the document title; and
 - The original petition is signed in blue ink.

Petition Technical Requirements

- Petitions must be received by the deadline outlined in the petition application.
- It is the responsibility of the petitioner to ensure and verify that the application package, in its entirety, is received by the deadline.
- Due to periodic disruptions in normal mail delivery, the use of a trackable method (e.g., a commercial carrier such as Federal Express or UPS, U.S. Postal Service Express mail, a courier service or personal delivery) to deliver petition packages is strongly encouraged.
- Inability of the petitioner to establish that the petition package was received by the deadline may not be considered for approval by the SCSC.

Petition Completeness

- Petitions that do not include all information requested in the petition application may not be considered for approval by the SCSC.
- The petition application will detail all required portions of the petition.
- Common required sections are:
 - Narrative (less than 100 pages)
 - Budget Templates (SCSC budget template)
 - Required Forms
 - Executive Summary
 - Local Board Acknowledgement Form
 - Required Appendices
 - Certificate of Incorporation
 - Board member resumes and conflict of interest forms
 - Agreements with EMO/CMOs

Requirements of a Charter School: Petitioners

- Pursuant to O.C.G.A. § 20-2-2062(2) charter petitioners may not be:
 - Home study programs or schools;
 - Sectarian schools;
 - Religious schools;
 - Private for profit schools;
 - Private educational institutions not established, operated, or governed by the State of Georgia, or
 - Existing private schools.
- Accordingly, if any aspect of the petition indicates that the petitioner or prospective charter school is one of the above entities, the petition will be rejected during the Legal Compliance Review.

Requirements of a Charter School: Open Enrollment

- Charter schools must have open enrollment for all students residing in the designated attendance zone.
- A charter school cannot limit enrollment to certain groups of students (e.g. “at-risk” students, special education students, juvenile justice students).
- A virtual charter school must provide technology (and related materials) to allow students to access the curriculum.
- Any limitation on student enrollment will result in the rejection of a petition during Legal Compliance Review.

Requirements of a Charter School: Tuition Free

- Charter schools cannot charge tuition or fees as a condition of participating in the instructional program.
- A charter school must provide all required instructional materials needed for the student to fully participate in the instructional program.
- Charter schools may require uniforms, but each school is encouraged to identify a means to ensure that a uniform is not a barrier to enrollment.

Requirements of a Charter School: State Standards

- Charter schools must utilize a curriculum that is aligned to CCGPS/GPS.
- Charter schools must participate in the state assessment program and administer grade-level assessments.
- All schools, including charter schools, will participate in the Single Statewide Accountability System – including all regulations regarding the administration of assessments.

Requirements of a Charter School: Other

■ Charter schools must also:

- Utilize TKES and LKES for the evaluation of employees (O.C.G.A. § 20-2-210);
- Comply with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.);
- Governing board meetings must comply with the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 et. seq.); and
- Participate in the Teachers Retirement System of Georgia (TRS) (O.C.G.A. § 47-3-1 et. seq.).

Unwaiveable Laws and Rules

- Charter schools enjoy flexibility from many state education laws and rules. However, there are many requirements that a charter school cannot waive.
- If a petition for a state charter school indicates that school operations would materially violate applicable law, the petition will not pass Legal Compliance Review.
- https://scsc.georgia.gov/sites/scsc.georgia.gov/files/related_files/site_page/Legal_Obligations_of_a_State_Charter_School_v2.0.pdf

Unwaiveable Laws and Rules

- Charter schools must abide by all federal laws. Including (but not limited to):
 - The Individuals with Disabilities Education Act (IDEA);
 - No Child Left Behind (NCLB) or (ESEA);
 - The Civil Rights Act of 1964;
 - The Equal Educational Opportunities Act;
 - The Americans with Disabilities Act (ADA);
 - Section 504 of the Rehabilitation Act;
 - Title IX of the Educational Amendments Act of 1972;
 - Age Discrimination Act of 1975;
 - Family Educational Rights and Privacy Act (FERPA); and
 - Protection of Pupil Rights Amendment (PPRA).

Unwaiveable Laws and Rules

- These federal laws require, among other things, charter schools to:
 - Serve all children with disabilities – regardless of the disability;
 - Ensure that all operations are conducted in a nondiscriminatory manner;
 - Provide language assistance to students with limited English proficiency;
 - Ensure that all teachers and paraprofessionals are “highly qualified”; and
 - Protect student privacy.

Unwaiveable Laws and Rules

- State, federal, and local laws and rules relating to **civil rights, insurance, health and safety, conflicts of interests, and the prevention of unlawful activity.**
- Examples include:
 - Gender Equity (O.C.G.A. § 20-2-315);
 - Immunization of Enrolled Students (O.C.G.A. § 20-2-771);
 - Diabetes Medical Management Plans (O.C.G.A. § 20-2-779);
 - Facilities Requirements Related to Safety;
 - Desegregation Orders; and
 - School Bus Operational and Safety Requirements

Unwaiveable Laws and Rules

- Charter schools must adhere to any state law not found in Title 20 (Education) and any applicable regulation that is not a rule of the State Board of Education.
- Examples include:
 - Zoning Requirements;
 - Prohibition of Alcoholic Beverages on School Property;
 - Child Abuse Reporting; and
 - School Bus Operation;

Unwaiveable Laws and Rules

- Certain specific state education laws cannot be waived.
- These include:
 - Individual Graduation Plans (O.C.G.A. § 20-2-327(c));
 - Period of Quiet Reflection (O.C.G.A. § 20-2-1050);
 - Reporting Requirements (student data, financial, and other);
 - Awarding of High School Credit (O.C.G.A. § 20-2-159.4); and
 - Performing a Criminal Record Check on Employees (O.C.G.A. § 20-2-211.1)

Takeaways

- Follow directions – submit everything that is required in the form that it is required.
- Make sure you meet petitioner requirements – no home schools, no existing private schools, fully non-sectarian and nonreligious.
- Make sure you are open to all students – no restriction on student enrollment, serve all students with disabilities, free to all students.
- Understand your legal obligations – be aware of applicable laws and rules despite the broad flexibility waiver.

Questions

