

Georgia Department of Education

Synopsis of Proposed Amendments to

Rule 160-4-9-.04 Charter Schools and Charter Systems

Definitions

This rule is being initiated to amend State Board Rule 160-4-9-.04 to address requirements added to state law by SB 348 during the 2015-2016 legislative session in addition to other changes, including:

- SB 348 in 2016 amended state law to change the definition for College and Career Academy and to allow for the creation of TCSG capital funding-eligible college and career academies within charter system contracts.
- Add definitions for college and career academy certification; college and career academy governing board for a CCA established as a charter school; college and career academy governing board for a CCA established by a charter system contract; Education Service Provider (ESP); Financial Management Certificate; High Quality Charter School; locally-approved charter school governing board; sibling; and State Board of Education approved training provider.
- Revise definitions for Charter Advisory Committee; charter attendance zone; charter authorizer; governing board; governing council; local school; substantial expansion to align with the Title I definition of substantial expansion; and The Office of College and Career Transitions.

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Synopsis of Proposed Amendments to

Rule 160-4-9-.05 Charter Schools Petition Process

This rule is being initiated to amend State Board Rule 160-4-9-.05 to address requirements added to state law by HB 100 during the 2015-2016 legislative session in addition to other changes, including:

- Clarify how existing schools may petition for authorization from the State Charter Schools Commission.
- Clarify that existing charter schools that meet the federal definition of a “high quality charter school” for the past three years (or over the life of the school, if the school has been open for fewer than three years) may be eligible for an expedited petition review by the Department.
- Remove the requirement for SCSC petitioners to provide the petition to GaDOE within 30 days.
- Clarify that charter schools must always accept students if space is available.
- Remove the certified/highly qualified teacher requirement.
- Clarify that all charter school staff must have a background check and all teachers must have a clearance certificate.
- Clarify that charter school governing board members who have unsupervised contact with students must have a background check.
- Clarify that a school’s CFO shall not serve simultaneously as the school leader.
- Add requirement that charter schools must comply with Governmental Accounting Standards Board (GASB) Statements and Interpretations, which constitute Generally Accepted Accounting Principles (GAAP) for financial reporting.
- HB 100 in 2016 amended state law to require a local school system that provides virtual instruction through a virtual school whose enrollment is composed of more than 5% out-of-system students to ensure that 90% of QBE funds earned for these students are spent on their instruction and includes academic achievement results of out-of-system students. HB 100 also provides that this expenditure control is not waivable.
- Add requirement that charter schools submit requested financial information to their local district in accordance with the policies and deadlines established by the district for inclusion in the district’s Financial Review Report to the Department.
- Add requirement that college and career academies submit with their petition a Roles and Responsibilities chart between the CCA governing board, the school system, and the CCA’s higher education and business partners.
- Clarify that if an innovation has already been implemented at other district schools, it can still be considered innovative for a conversion charter school applicant.

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Synopsis of Proposed Amendments to Rule 160-4-9-.06 Charter Authorizers, Financing, Management, and Governance Training.

This rule is being initiated to amend State Board Rule 160-4-9-.06 to address requirements added to state law by HB 65, HB 100, HB 895, and SB 364 during the 2015-2016 legislative session in addition to other changes, including:

- HB 65 in 2016 amended state law to require certain charter schools to hold at least two public meetings on the proposed annual operating budget and ensure that the proposed and final budgets are available online.
- HB 100 in 2016 amended state law to require a local school system that provides virtual instruction through a virtual school whose enrollment is composed of more than 5% out-of-system students to ensure that 90% of QBE funds earned for these students are spent on their instruction and includes academic achievement results of out-of-system students. HB 100 also provides that this expenditure control is not waivable.
- HB 895 in 2016 amended state law to require governing board members of each charter school to participate in initial and annual financial governance training. HB 895 also requires the SBOE to establish a charter schools financial certification program for charter school leaders and personnel, and prohibits a charter school's CFO from being the CEO or equivalent.
- SB 364 amended state law to revise provisions related to TKES and LKES.
- Add requirement that local authorizers monitor adherence to the required pre-opening implementation benchmarks included in the contracts of new locally-approved charter schools.
- Add requirement that charter schools comply with GASB and GAAP for financial reporting.
- Add requirement that charter schools submit requested financial information to their local district in accordance with the policies and deadlines established by the district for inclusion in the district's Financial Review Report to the Department.
- Clarify that employees of charter schools must be employees of the school's governing board.
- Add requirement that charter schools must receive approval from the Department if the school wishes to open another campus/location in addition to seeking facility approval.
- Clarify the expectation for a designated charter school governing board member to maintain a LKES evaluator credential.
- Clarify that a charter school on probation may not enroll new students without the Department's consent.
- Clarify that, for termination requests initiated by the State Board of Education, a charter school and/or local board(s) may waive their right to a hearing or request an expedited hearing. If no such request is made within 30 days of the State Board's receipt of the

school and/or local board's written response, the parties waive their right to a hearing and the SBOE may vote based on information submitted by the parties or may hold a hearing.

- Clarify that a designated hearing officer may conduct a hearing for the purposes of determining whether a charter school is in violation of state law, SBOE rule, or its charter contract, and make a recommendation for consideration by the full State Board.
- Clarify governing board member training requirements, including the number of hours and topics.
- Add requirement that governance training for college and career academies must only be conducted by The Office of College and Career Transitions of TCSG.
- Clarify that local districts shall not provide governing board training to its own locally-approved charter schools.

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Synopsis of Proposed Amendments to

Rule 160-4-9-.07 Charter Systems

This rule is being initiated to amend State Board Rule 160-4-9-.07 to address requirements added to state law by HB 65, HB 100, SB 348, and SB 364 during the 2015-2016 legislative session in addition to other changes, including:

- HB 65 in 2016 amended state law to require each local board of education to hold at least two public meetings on the proposed annual operating budget and ensure that the proposed and final budgets are available online.
- HB 100 in 2016 amended state law to require a local school system that provides virtual instruction through a virtual school whose enrollment is composed of more than 5% out-of-system students to ensure that 90% of QBE funds earned for these students are spent on their instruction and includes academic achievement results of out-of-system students. HB 100 also provides that this expenditure control is not waivable.
- SB 348 in 2016 amended state law to change the definition for College and Career Academy and to allow for the creation of TCSG capital funding-eligible college and career academies within charter system contracts. This change is being added to the rules, including contract amendment requirements and college and career academy governance requirements.
- SB 364 amended state law to revise provisions related to TKES and LKES.
- Remove the requirement that LEAs must submit a Letter of Intent on or before June 30, 2015 in order to be eligible for FY16 waivers.
- Clarify the state law provisions that are not waivable.