



Richard Woods, Georgia's School Superintendent
"Educating Georgia's Future"

To: Georgia Charter School and Charter System Leaders
From: District Flexibility and Charter Schools Division
Date: August 25, 2017
Re: Implementing the 2017 amendments to the State Board of Education Charter Rules

On March 30, 2017, the State Board of Education (SBOE) adopted amendments to the charter school and charter system rules to incorporate feedback received from stakeholders in the Georgia charter school and charter system community. The amended SBOE rules went into effect on April 19, 2017. Additional charter rule amendments based on 2017 legislation passed by the General Assembly and signed by the Governor were adopted at the August 24, 2017 SBOE meeting. These amendments will go into effect in September 2017. The most up-to-date versions of the charter rules can always be found on the Department's website at: <http://www.gadoe.org/External-Affairs-and-Policy/Charter-Schools/Pages/Rules-and-Regulations-.aspx>.

This memo presents important details on implementing the 2017 amendments to the SBOE charter rules for charter schools and systems. Please read it carefully and be sure to take the necessary and immediate steps required to ensure compliance with these legal requirements for the 2017-2018 academic year.

Legal Requirements Incorporated into SBOE Charter Rules

1. All charter school petitioners (new and renewals) that have applied to a local school district must provide a copy of their petition to the Department within thirty (30) days of submitting the petition to the district.
 - Action Item: Submit to the Department one (1) identical hard copy of the school's petition to the local school district.
 - Authority: SBOE Rule 160-4-9-.05(1)(c)1
2. Charter schools cannot require parents/guardians to volunteer their time and/or contribute money or in-kind to the school as a condition of enrollment in the school. Any parent/guardian

volunteer commitments must be optional to ensure compliance with the open enrollment law and tuition-free requirement.

- Action Item: Remove any language in parent/guardian contracts, admissions applications, admissions/enrollment policies and procedures, and other documentation requiring parents/guardians to volunteer a specific number of hours and/or contribute money or in-kind to the charter school in order for their child to be enrolled or remain enrolled in the charter school. Encouraging such support is acceptable, but requiring it is not acceptable. Publish the revised documents on the school's website.
 - Authority: SBOE Rule 160-4-9-.05(2)(d); *see* O.C.G.A. § 20-2-2066(a); SBOE Rule 160-4-9-.06(2)(e); O.C.G.A. § 50-18-70 *et seq.* (Open Records Act)
3. Individuals employed as special education teachers must possess a bachelor's degree and either be certified in special education or hold a special education license.
- Action Item: Verify that all educators teaching special education hold the appropriate certificate from the Georgia Professional Standards Commission (GaPSC). For special education teachers not yet certified, develop and implement a transition plan to ensure these educators obtain their SPED certification within a reasonable timeframe.
 - Authority: SBOE Rule 160-4-9-.05(2)(e)5; Individuals with Disabilities Education Act (IDEA) Section 612(a)(14)(C); Every Student Succeeds Act (ESSA) Sections 1111(g)(2)(J) and 1112(c)(6)
4. Charter school admissions, enrollment, and lottery policies and procedures shall ensure that only students who reside in a school's attendance zone at the time of the lottery are eligible to participate in its lottery.
- Action Item: Revise the charter school's admissions application and admissions/lottery policies and procedures to clarify that only students/families who reside in the attendance zone specified in the school's charter contract at the time of the lottery are eligible to participate in the random lottery.
 - Authority: SBOE Rule 160-4-9-.05(2)(g)3.(iv); O.C.G.A. § 20-2-2066(a)(1)(A) and (B)
5. Charter schools must ensure equitable access to the school for students (including educationally disadvantaged students as defined in SBOE Rule 160-4-9-.04(s)), faculty/staff, and governing board members who are representative of the community diversity in the school's attendance zone.
- Action Item: Review the charter school's recruitment, enrollment, hiring, and selection practices for potential and actual barriers to access to the school. As necessary, revise the charter school's policies and procedures to:
 - promote inclusion of all students, faculty/staff, and prospective governing board members;
 - eliminate barriers to enrollment, hiring, and selection; and

- support the retention of all students once enrolled, all faculty/staff once hired, and all governing board members once selected.

Policies that should be reviewed include, but are not limited to, the charter school's admissions/enrollment policy, employment policy, and governing board bylaws.

- Authority: SBOE Rule 160-4-9-.05(2)(g)4 and (2)(i)4; ESSA Sec. 4303
6. Charter school employees are prohibited from serving on the school's governing board unless otherwise stipulated by the Department.
- Action Item: Revise the charter school's governing board bylaws and/or required member qualifications to exclude charter school employees from serving as voting members in order to eliminate any potential or actual conflicts of interest in the governance of the school. For schools that currently have employees serving as voting board members, develop and implement a succession plan to ensure these employees transition off of the board within a reasonable timeframe.
 - Authority: SBOE Rule 160-4-9-.05(2)(i)4
7. Charter school governing boards must maintain their school records and make them available for public inspection via an online school website pursuant to the Georgia Open Records Act, School records include, but are not limited to, the following: school policies, adopted budget and other financial information, and governing board meeting materials (membership, calendar, agendas, minutes).
- Action Item: Post and regularly update the following information on a publicly available area of the charter school's website for, at least, the duration of the current charter term:
 - A list of the school's governing board members;
 - The governing board meeting dates (including any board committees);
 - Meeting agendas for upcoming governing board and committee meetings;
 - Adopted meeting minutes for past governing board and committee meetings;
 - The procedure for contacting the school's governing board and most senior school administrator;
 - The school's admissions application, including admissions and enrollment policies and procedures;
 - A summary or line item version of the proposed and adopted annual operating budget;
 - The school's monthly financial statements;
 - A link to the school's financial efficiency ratings (once published by the Governor's Office of Student Achievement);
 - A link to the local school system's financial information published by the Department; and
 - The school's most current charter contract (including any amendments).

Include on this public page instructions for how the general public can request access to obtain copies of school records that are subject to the Georgia Open Records Act.

- Authority: SBOE Rule 160-4-9-.06(2)(e); O.C.G.A. § 20-2-167.1; O.C.G.A § 50-18-70 *et seq.* (Open Records Act); O.C.G.A. § 50-14-1 (Open Meetings Act); O.C.G.A. § 20-14-46(d)
8. Local school systems, including charter systems, are required to distribute to each local charter school the proportionate amount of federal funds for which the charter school is eligible under each federal program, or to provide in-kind services to the charter school upon agreement between the parties. In addition, charter systems are required to post on their websites the calculation of earnings for each local charter school, including federal funds.
- Action Item: Distribute the proportionate amount of federal funds for which a charter school is entitled under the relevant federal program. If the charter school’s governing board chooses to receive in-kind services from the charter system, enter into a Memorandum of Understanding (or similar mutual agreement) with the school that clearly describes the scope of services that will be provided to the school by the charter system under the federal program(s).
 - Authority: SBOE Rule 160-4-9-.06(3)(a)4 and (3)(a)5; O.C.G.A. § 20-2-2068.1(c); O.C.G.A. § 20-2-2068.1(c.3)
9. New members of charter school governing boards and members of newly-approved charter schools (including members with more than one (1) year break in service) must participate in three (3) hours of financial governance training conducted by the Department’s Finance and Budget Office.
- Action Item: Register for 1 of 3 options to receive the required financial governance training by the Department’s Finance and Budget Office:
 - **Option 1**: Georgia Department of Education (Free)
 - Wednesday, September 27, 2017 from 8:00am to 11:00am
 - RSVP to Louis Erste at lerste@doe.k12.ga.us
 - **Option 2**: 2017 GSBA/GSSA Conference (Conference Fee Required)
 - November/December 2017 at the Renaissance Atlanta Waverly Hotel
 - Visit <https://gsba.com/board-development/conferences/> for more details
 - **Option 3**: 2018 GSBA/GSSA Conference (Conference Fee Required)
 - June 2018 in Savannah, Georgia
 - Visit <https://gsba.com/board-development/conferences/> for more details
 - Authority: SBOE Rule 160-4-9-.06(5)(1)1(iii)
10. Local school systems, including charter systems, are prohibited from excluding students in dual credit courses from valedictorian or salutatorian determinations.
- Action Item: Revise any local policies that prevent students enrolled in dual credit courses from being considered as earning the status of valedictorian or salutatorian upon completion of high school graduation requirements.

- Authority: SBOE Rule 160-4-9-.07(3)(a)(2); O.C.G.A. § 20-2-161.3(f)(4)
11. Local school systems, including charter systems, cannot waive training requirement recommendations for individuals employed as school resource officers for the protection of the physical health and safety of school students, employees, and visitors.
- Action Item: Revise local employment policies to require school resource officers to successfully complete training courses approved by the Georgia Peace Officer Standards and Training Council.
 - Authority: SBOE Rule 160-4-9-.07(3)(a)(2); O.C.G.A. § 35-8-27; *see* O.C.G.A. § 20-2-82(e)
12. Local school systems, including charter systems, are required to post on their websites links to the system's financial information as published by the Department.
- Action Item: Post and regularly update any links to the charter system's financial information on the system's website when published by the Department.
 - Authority: SBOE Rule 160-4-9-.07(4)(h); O.C.G.A. § 20-14-46(c)