

Regulation IBB-R(1): Charter Schools

Status: ADOPTED

Original Adopted Date: 12/12/2019 | Last Reviewed Date:

Charter Schools

The ~~Bibb Board of~~ Public ~~Board of~~ Education for Bibb County ("Board"), by the authority granted to it pursuant to O.C.G.A. § 20-2-2060, *et seq.*, seeks to authorize high quality charter schools with innovative, unique, and effective academic programs that align to the strategic priorities of the District in order to increase student performance and achievement. The Bibb County School District ("District") will enforce clear expectations for its charter schools and hold them accountable to the terms of their charter contracts. All locally approved start-up charter schools and conversion charter schools are subject to the control and management of the Board, pursuant to O.C.G.A. § 20-2-2065(b)(2).

I. Submitting a Petition for Bibb County's Charter Application Process.

- a. **Timeline Requirements**~~frame~~. The ~~District Board~~ shall ~~review~~reconsider complete charter petitions ~~for approval~~ that are submitted in accordance with the Charter Schools Act of Georgia, O.C.G.A. § 20-2-2060, *et seq.*; State Board Rule 160-4-9-.05; ~~the State Board Charter Schools Petition Process Guidelines~~; Bibb County School District Charter School Petition Guidelines; and this regulation. By September 1 each year, the District shall publish its petition timelines on its website. A Charter Petitioner must submit the petition to the Office of Charter School Compliance ("OCSC") within 30 days of submitting the petition to the District. Late petitions will be denied without review.
- b. **Pre-Submission Requirements**. Charter Petitioners must submit letters of intent to both the OCSC and the District six months before submitting their formal petition, unless both entities agree to waive this requirement, per state law. The letter of intent must include the school's vision, mission, grade levels, anticipated number of students, proposed opening date, location of school, and originality or inventiveness to improve student academic achievement and behavior. policy.
- c. **Capacity**. The Charter Petitioner, Founding Board, and/or Governing Board must demonstrate the capacity to operate a high quality charter school. If contracting with an education management organization to operate all or parts of the proposed charter school, the Charter Petitioner, Founding Board, or Governing Board must demonstrate the ability to operate at arms' length from this external organization.
- d. **Petition Requirements**. All charter school petitions must include the information required by the Georgia Charter Schools Act, State Board of Education rules, and the Bibb County School District.
- a.e. **Assurances and Required Statements**. At a minimum an authorized representative of the Charter Petitioner must sign the Bibb County Assurances and Required Statements to be included with the submitted petition, which will assure the District and Board that the Petitioner and proposed charter school will abide by all legal requirements and certain required District policies and procedures. The District reserves the right to require its locally approved charter schools to sign updated Assurances and Required Statements as federal or state law or district policy changes, or as the District deems necessary.
- b. **Recommendation to Approve or Deny**. ~~After the District Charter Division and charter review committee conduct the initial review and examination of the charter petition, including the capacity interview and clarification meeting, their findings on the charter petition shall be provided to the Superintendent, who will then use them to formulate a recommendation to approve or deny the petition to present to the Board for their consideration.~~
- e. **Capacity**. ~~The charter petitioner, Founding Board, and Governing Board must demonstrate the capacity to operate a high quality charter school. If contracting with an education management organization to operate all or parts of the proposed charter school, the charter petitioner, Founding Board, or Governing Board must demonstrate the ability to operate at arms' length from this external organization.~~

Charter Authorization. ~~The Board shall review the Superintendent's recommendation and related materials and shall by majority vote approve or deny a properly submitted petition within ninety (90) days after the petitioner's timely~~

submission. The Board shall not approve a charter petition unless the petition meets all legal requirements, and the Board deems the petition to be in the public interest. The Board shall only approve charter terms for five (5) years in length.

II. District Petition Review and Approval Process

a. Charter School Review Committee. The District Charter School Review Committee ("CSRC"), appointed by the Bibb County Superintendent, shall evaluate each charter petition for the strength of its academic program, operations, budget planning, and compliance with applicable state and federal laws, State Board regulations, and local Board policies and guide the petition through the District review and approval process. The CSRC shall:

- Assure that all required components, as listed in New Charter School Application form, are included in the petition;
 - If the petition is incomplete, the District will give the Petitioner the option to withdraw from the process. All materially incomplete petitions will be summarily denied.
- Conduct the initial review of the charter petition, including the capacity interview and any other required meetings;
- Request cabinet-level staff or heads of any departments/divisions to review the petition and provide feedback;
- Submit the petition to the Board's attorney for legal review;
- Provide feedback and requested revisions and clarifications to Petitioner after initial petition review;
- Conduct final review of charter petition; and
- Prepare Board of Education agenda items as necessary.

b. Petition Review Process and Classification. After the CSRC's initial review, the CSRC shall place each petition into one of four categories:

- Rejection Group - Petitions with legal or structural issues that cannot be resolved will be included in this group. The District will provide a letter outlining the reasons the petition is not eligible for consideration in the current review cycle.
- Revision Group - Petitions that demonstrate minimum quality and compliance but require substantial material revision. The District will issue a letter listing its feedback and all required changes. Petitioners must submit revisions within 30 days; this will be the only opportunity to make major changes during the current review cycle. The District may request an additional period of time to review the revised petition up to ninety (90) days if necessary, as long as this timeframe does not push the review process past the June 30th deadline. Petitioners who fail to submit required revisions or miss the 30-day deadline forfeit their opportunity for current-year consideration and must wait until the following year's review cycle to submit a new petition.
- Clarification Group - Petitions that demonstrate moderate quality and compliance that need clarification or supplemental information but not fundamental changes. This District will issue a letter specifying the additional information required. Petitioners are required to submit revisions within 30 days; this will be the only opportunity to make major changes during the current review cycle. The District may request an additional period of time to review the revised petition up to ninety (90) days if necessary, as long as this timeframe does not push the review process past the June 30th deadline. Petitioners who fail to submit required revisions or miss the 30-day deadline forfeit their opportunity for current-year consideration and must wait until the following year's review cycle to submit a new petition.
- Approval Group - Petitions that demonstrate near perfect quality and full compliance with all requirements will be recommended for Board approval. No further action will be required by the Petitioner.
- Note: Petitions that are materially incomplete will be returned to the Petitioner with instructions for

resubmission in a subsequent petition cycle if desired.

- c. **Recommendation to Approve or Deny.** The Superintendent, following receipt of the CSRC's findings, will then make a recommendation to approve, deny, or request additional time for consideration of the petition to the Board at a regularly scheduled work session. The Board will review the Superintendent's recommendation and related materials, then vote to approve or deny a properly submitted petition. This decision will be made within ninety (90) days after the petition's submission, and no later than June 30, unless the Petitioner agrees to extend this period, and any additional permission from the OCSC is obtained.
- d. **Charter Approval.** The Board shall review the Superintendent's recommendation and related materials and shall by majority vote approve or deny the petition for authorization. The Board shall not approve a charter petition unless the petition meets all legal requirements and shall only approve charter terms for up to five (5) years in length. If the Board approves the charter petition, the District shall, within thirty (30) days, submit the approved petition to the OCSC for review and approval. The Petitioner shall also deliver the approved petition to the OCSC for review and approval by the State Board of Education.
- e. **Charter Denial.** If the Board denies authorization for the charter petition, the District shall, within twenty (20) days, provide the Petitioner, the State Board of Education, and the OCSC a written explanation setting forth its reasons for denial, a list of deficiencies in the charter school petition, the existing access to school choice options for students in the District, and the academic performance of existing local schools in the area the charter school proposed to serve. If the Board cites that approval is not in the public interest, the written statement of denial will include a detailed description of why approval is not in the public interest.

III. Charter School Assurances and Required Statements. For a charter petition to be considered complete, an authorized representative from the charter petitioner must sign the Bibb County Assurances and Required Statements to be included with the submitted petition, which will assure the District and Board that the petitioner and proposed charter school will abide by all legal requirements and certain required district policies and procedures. The District reserves the right to require its locally approved charter schools to sign updated Assurances and Required Statements as federal or state law or district policy changes, or as the District deems necessary.

Funding.

- a. **Funding for Locally Approved Charter Schools.** In accordance with the charter contract, State Board of Education Rule 160-4-9-.06, O.C.G.A. § 20-2-161, the Georgia Charter Schools Act, and any funding agreements mutually agreed to and entered by the locally approved charter school and the District, the District will distribute applicable federal, state, and local funding to the local charter school in a timely manner in accordance with law and ensure that funds are spent according to applicable laws, rules, policies, and guidelines, including requirements for the monitoring of the use of federal funds. Funding for a charter school's instructional and administrative programs will comply with the Georgia Charter Schools Act, State Board Rules, and District policies.
- b. **3% Withhold Fee.** The District will withhold a 3% management fee from the total state and local funds earned by each of its locally approved charter schools to reimburse the District for administrative services and technical support provided to its charter schools.
- c. **Published Earnings.** The District shall publish on its website the calculation of earnings to each local charter school, including federal funds, as soon as practicable but no later than October 1 of each year and shall be updated according to O.C.G.A. § 20-2-2068.1.

IV. Operating a Charter School in Bibb County School District.

- a. **Pre-Opening Procedures.** The District shall monitor a new local charter school's pre-operational period for timely implementation of ready-to-open benchmarks related to facilities, school personnel, enrollment procedures, curriculum and instruction, operations and fiscal management, and governance. In the event the charter school governing board does not meet the ready-to-open benchmarks, the Board may postpone the school's opening by up to one year.
- b. **Notice for Operational Changes.** The charter school must provide written notice to District staff at least two months prior to making any significant alterations to the operations, organization, or management of the charter school as established by the current charter school petition. If the proposed changes or alterations

impact the District or the charter school's ability to comply with state and federal obligations and duties, or cause significant negative impacts to the charter school, its community, and/or the District, the District may direct the charter school to postpone the proposed changes or alterations until solutions are created, or to forego the changes and alterations altogether if no solution is available. Failure to provide the District with this required notice and consideration period, and/or failure to implement the resulting the District's directives may result in probation, termination, or non-renewal.

c. **Special Education.** The charter school is obligated to provide the same continuum of services to students with disabilities as the District's traditional schools. The charter school shall indemnify the District in the event the District is sued and/or held liable for the charter school's failure to provide eligible students with disabilities with the special education, related services, program accommodations, and/or due process to which they are legally entitled.

d. **Indemnification and Litigation Collaboration.** If the District is threatened with litigation for the charter school's actions, inaction, or an event arising out of the charter school's operation as a locally approved charter school, the charter school, including its legal counsel, will collaborate with the District and its legal counsel to respond to the situation. If the District has to expend its resources to defend itself and/or the charter school as a result of the charter school's actions, inaction, or an event arising out of the charter school's operation as a locally approved charter school, the charter school will indemnify and hold harmless the District and the Board of Education, and will reimburse the District for the costs of the defense.

a.e. **Long-Term Debt:** If the charter school wishes to enter into an agreement to borrow funds in which the repayment period exceeds the current fiscal year, the charter school must notify the District prior to entering the agreement and provide an amended budget reflecting the loan and repayment period that has been previously approved by the charter school governing board.

IVII. Basis for Termination and/or Non-Renewal of Charter Authorization.

a. **Termination.** Pursuant to O.C.G.A. § 20-2-2068(a)(3), the Board may request in writing that the State Board terminate a locally approved charter school if, after providing reasonable notice to the charter school and an opportunity for a hearing, the Board finds ~~that~~:

i. A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;

ii. A failure to meet generally accepted standards of fiscal management;

iii. A violation of applicable federal, state, or local laws, rules, ~~D~~istrict procedures, policies, Assurances and Required statements, or court orders;

iv. The existence of competent substantial evidence that the continued operation of the charter school ~~or charter system~~ would be contrary to the best interests of the students or the community; and/or

v. A failure to comply with any provision of O.C.G.A. § 20-2-2065; ~~or~~

A failure to comply with the terms of this policy and corresponding regulation or District procedure and guidance, or the Bibb County Assurances and Required Statements.

b. **Non-Renewal.** Upon the review of the renewal petition for a locally approved charter school, the Superintendent may make a recommendation to the Board to deny the charter school's renewal based upon the findings of the CSRC, the contents of the renewal petition, and the historical documented performance of the charter school. The Superintendent may recommend non-renewal according to the Georgia Charter Schools Act, related State Board Rules and guidance, and this regulation and corresponding guidance if it is determined that the charter school has met any of the grounds listed above for termination, grounds for denial of a petition, or if the charter school is no longer in the public interest.

b.c. **Return of Assets.** Upon termination or non-renewal of the charter for a locally approved charter school, all assets and unencumbered funds of the school remaining after liabilities have been satisfied shall revert

to the District. The charter school shall work collaboratively with the District to conduct an orderly winding down of affairs and dissolution. The District shall also notify the affected charter school students and parents of the charter school's non-renewal or termination and their other public school options promptly after the Board votes to non-renew or terminate the charter contract.

Legal Reference

O.C.G.A. 20-2-2062 Charter Schools Act of 1998-Definitions

O.C.G.A. 20-2-2063 Petition to establish a charter school

10

O.C.G.A. 20-2-2065 Charter schools; requirements for operating; control and management

O.C.G.A. 20-2-2066 Charter schools; admission, enrollment, and withdrawal of students

O.C.G.A. 20-2-2067 Charter schools; reprisals by local boards or school system employees prohibited

O.C.G.A. 20-2-2067.1 Amendment of terms of charter for charter school; initial term of charter; annual report

O.C.G.A. 20-2-2068 Termination of a charter

O.C.G.A. 20-2-2068.1 Quality basic education formula applies; grants, local tax revenue, and funds from local bonds

O.C.G.A. 20-2-2068.2 Facilities fund for charter schools; purposes for which funds may be used; upkeep of charter school property; receipt of surplus from B.O.E.

O.C.G.A. 20-2-2069 Responsibilities of State Department of Education Office of Charter School Compliance

O.C.G.A. 48-8-144 Local charter schools and state chartered special schools as capital outlay project

Rule 160-4-9-.04 Charter Schools Definitions

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

Rule 160-4-9-.06 Charter Authorizers, Financing and Management

~~i. A failure to meet generally accepted standards of fiscal management;~~

~~ii. A violation of applicable federal, state, or local laws, rules, district procedures, policies, or court orders;~~

~~iii. The existence of competent substantial evidence that the continued operation of the charter school or charter system would be contrary to the best interests of the students or the community;~~

~~iv. A failure to comply with any provision of Code Section 20-2-2065; or~~

~~v. A failure to comply with the terms of this policy and corresponding regulation or District procedure and guidance, or the Bibb County Assurances and Required Statements.~~

~~c. **Non-Renewal.** Upon the review of the renewal petition for a locally approved charter school, the Superintendent may make a recommendation to the Board to deny the charter school's renewal based upon the findings of the charter review committee, the contents of the renewal petition, and the historical documented performance of the charter school. The Superintendent may recommend non-renewal according to the Charter Schools Act of Georgia, related State Board Rules and guidance, and this policy and corresponding guidance if it is determined that the charter school has met any of the grounds listed above for termination, grounds for denial of a petition, or if the charter school is no longer in the public interest.~~
