

IBB-R Charter Schools

7/1/23

RATIONALE/OBJECTIVE:

The Charter Schools Act of 1998, and as amended in 2005, permits a local school system to utilize the flexibility of a performance-based contract called a charter in order to increase student achievement through academic and organizational innovation. Petitions for charter schools within the Cobb County School District (District) must be approved by the Cobb County Board of Education (Board) and the State Board of Education.

RULE:**I. PETITION PROCESS**

The District accepts charter school petitions for review that focus on performance-based student achievement. The charter petition must meet all applicable federal and state laws and district regulations, rules, and procedures, except for those subject to waiver under the Charter Schools Act. The charter petition must demonstrate how the curriculum, instruction, and accountability programs combine to create an innovative, unique opportunity for student learning which does not duplicate existing District programs or exist in any District school(s).

A. GENERAL PROVISIONS:**1. Letter of Intent:**

A one-page, double-spaced letter of intent is required to introduce the school's vision, mission, grade levels, anticipated number of students, originality or inventiveness to improve student academic achievement and behavior as prerequisite to the submittal of petition. This letter of intent for start-up, conversion, and renewal petitions shall be submitted to the Assistant Superintendent of Accountability, Research & Grants in accordance with the charter petition cycle as published on the District website and as required by State Board Rule.

2. Requirements for Start-Up Charter Petitioners:**a. Pre-petition Process:**

In addition to the requirements for charter petitions in this rule, petitioners seeking to submit start-up charter petitions must participate in the prepetition process as follows.

- (1) Start-up charter petitioners must participate in training regarding petition requirements.
- (2) Start-up charter petitioners must submit a proposed draft petition to the District in accordance with the charter petition cycle. The District will review the proposed draft petition and make recommendations for revisions for the actual petition to be formally submitted to the District by the date listed on the charter petition cycle.
- (3) Conversion and renewal charter petitions may, but are not required to, take advantage of the pre-petition process as described above.

3. Charter Petition:**a. Submission:**

A charter school petition shall be submitted to the Assistant Superintendent of Accountability, Research & Grants in accordance with the charter petition cycle.

b. Review Committee:

- (1) A Charter School Review Committee (Committee), approved by the Superintendent or designee, shall conduct the initial examination of each charter petition. In this initial review, the Committee shall determine:
 - (a) If the petition complies with applicable law, state and local board policy, District Rules and procedures; and

- (b) If the petition demonstrates how the curriculum, instruction, and accountability programs combine to create an innovative, unique opportunity for student learning which does not duplicate existing District programs or exist in any District school(s).
- (2) Upon the completion of the initial review, the Committee shall submit the petition to the Assistant Superintendent of Accountability, Research & Grants to provide a written statement to the petitioner indicating which of the following four groups the petitioner is in and, if appropriate, what they must do if they wish to revise and resubmit their application.
- (a) **Rejection Group:**
 - i. The application is flawed in some way that is irreparable and will be rejected for the current school year's Petition Review Cycle.
 - ii. The Assistant Superintendent of Accountability, Research & Grants will issue a rejection letter that informs such applicant that their application cannot be considered during the current school year's Petition Review Cycle.
 - iii. The rejection letter shall include a statement of the legal insufficiency that makes the petition irreparable.
 - iv. Applicants in this category are free to submit a brand-new application in the following school year's Petition Review Cycle.
 - (b) **Revision Group:**

The application demonstrates minimum quality and compliance or less and would require substantial and material revision before the application could be recommended by the district for approval by the local school board.

 - i. The Assistant Superintendent of Accountability, Research & Grants shall issue a letter informing the applicant that they cannot receive an approval recommendation unless the required material revisions are made within thirty (30) days. This letter shall include mention of the district's agreement to the petitioner's granting the district ninety (90) additional days to accept or reject its petition.
 - ii. If an applicant chooses to make the substantial and material changes required, they shall resubmit their petition within the thirty (30) day window. Their resubmittal letter shall include mention of their granting to the district ninety (90) additional days beyond the initial 90-day review period to accept or reject their petition.
 - iii. Applicants will have only one opportunity to revise their application to make the substantial and material changes required.
 - iv. Applicants who fail to make required revisions will have to wait until the following school year's Petition Review Cycle to submit a new application.
 - (c) **Clarification Group:**

The applicant demonstrates moderate quality and compliance or better but requires clarification and supplemental information to be submitted before their petition could be recommended by the district for approval by the local board of education.

 - i. The Assistant Superintendent of Accountability, Research & Grants shall issue a letter informing the petitioner what clarification(s) and/or supplemental information is required. This letter shall include mention of the district's agreement to the petitioner's granting the district ninety (90) additional days to accept or reject its petition.
 - ii. If an applicant chooses to provide the clarification(s) and/or supplemental information required, they shall resubmit their petition within a thirty (30) day window. Their response letter shall include mention of their granting to the district ninety (90) additional days beyond the initial 90-day review period to accept or reject their petition.
 - iii. Applicants will have only one opportunity to revise their application to make the substantial and material changes required.
 - iv. Applicants that fail to make required clarification(s) and/or supplemental information will have to wait until the following school year's Petition

Review Cycle to submit a new application.

(d) **Approval Group:**

The applicant demonstrates near-perfect quality and compliance. For these applicants, the district will make a recommendation to the local board of education for approval of the petition without any further action on the part of the applicant.

c. **Assistant Superintendent of Accountability, Research & Grants:**

The Assistant Superintendent of Accountability, Research & Grants shall:

- (1) Assure that all required components, as listed in New Charter School Application form, are included in the petition;
- (2) If petitions are incomplete, the Assistant Superintendent of Accountability, Research & Grants will give the petitioner the option to withdraw from the process. All incomplete petitions will be summarily denied.
- (3) Request members of the cabinet level staff or heads of any departments/divisions to review and rate the petition;
- (4) Submit the petition to the Board's attorney for review; and
- (5) Prepare Board of Education agenda items as necessary.

d. **Superintendent:**

Based upon the findings of the Committee, the Superintendent shall make a recommendation to the Board.

e. **Board of Education:**

The Board by a majority vote shall approve or deny the petition no later than ninety (90) calendar days from the date the petition was submitted to the Assistant Superintendent of Accountability, Research & Grants unless the petitioner requests an extension. If the Board denies the petition, it must within ninety (90) calendar days specifically state:

- (1) The reason for the denial;
- (2) List all deficiencies with respect to the requirements of the Charter Schools Act, State Board of Education Rule, and this policy; and
- (3) Provide a written statement of the denial to the charter petitioner and the State Board.

A denial of the petition by the Board shall not preclude the submission to the Board of a revised petition that addresses deficiencies cited in the denial. Any revised petition must be submitted in accordance with the charter petition cycle.

f. **Timelines:**

(1) **Start-up Charters:**

Start-up charter school petitions must be received by the Assistant Superintendent of Accountability, Research & Grants in accordance with the charter petition cycle.

(2) **Conversion and Renewal Charters:**

Renewal and conversion charter school petitions seeking approval for the succeeding fiscal year must be received by the Assistant Superintendent of Accountability, Research & Grants in accordance with the charter petition cycle.

(3) **Late Petitions:**

Any petition submitted after the above due dates may be considered for the fiscal year subsequent to the year proposed in the charter application.

B. PETITION REQUIREMENTS:

All charter school petitions submitted to the Assistant Superintendent of Accountability, Research & Grants must include the elements required by the Charter Schools Act and State Board of Education Rule as well as the following District criteria:

1. Evidence that the proposed charter school curriculum, assessments, and design for learning meet or exceed District and state standards.
2. The proposed performance-based criteria that will be used during the term of the charter to measure the progress of the charter school.
 - a. The petition must specifically identify:
 - (1) The tests to be used,
 - (2) The grades to be tested,
 - (3) How often each test will be administered,

- (4) How the test results will be reported to the District,
 - (5) The baseline data which will be used to demonstrate that student performance has improved, and
 - (6) The benchmarks and timelines that indicate performance goals to be achieved in specific increments of time.
- b. The charter school assessment program must, at a minimum, include the standardized tests used by the District.
 - c. Evidence must be presented that the proposed charter school academic criteria meet or exceed the standards, expectations, and performance set by the District.
3. Stipulate that the charter school will obtain accreditation by the District's applicable accreditation agencies in accordance with the following schedule and reporting requirements:
 - a. The charter school must make initial contact with applicable accreditation agencies no later than October 1 of its first year of operation;
 - b. The charter school must submit monthly reports to the Assistant Superintendent of Accountability, Research & Grants documenting steps taken and progress made towards achieving accreditation.
 - c. The charter school shall obtain accreditation no later than the end of its second year of operation.
 4. Evidence that the proposed charter school program cited in the petition could not be achieved through application of the Cobb County School District's educational program.
 5. Evidence that the faculty and instructional staff employed in the charter school, at a minimum, hold an appropriate current professional certificate issued by the Georgia Professional Standards Commission. Non-certified personnel shall be considered "at will" employees and shall not be contracted for specific periods of time.
 6. A description of the following practices: plans for resolving employment-related issues, employee grievance and termination procedures.
 7. A budget for the term of the charter, including:
 - a. Projections from the Georgia Department of Education of FTE earnings.
 - b. Evidence that the proposed budget is economically sound for the charter school and the District and that the petitioner is creditworthy.
 8. A financial statement to the District that discloses the cost of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such cost to other schools or other comparable organizations in a format required by the District.
 9. A description of how the charter school facility will be funded and maintained.

Additionally:

 - a. Charter school housing for students and staff shall comply with all building code standards and regulations adopted by the city and/or county agencies responsible for building safety standards of the city and/or county in which the charter school is located.
 - b. Before the school may begin operation, the District must be provided with documentation of ownership or lease of the facility and certification that the building satisfies all requirements for fire, safety, and accessibility for the disabled.
 10. A description of the type of liability, workers' compensation, motor vehicle, directors and officers and property insurance to be purchased by the charter school.
 11. A provision for appropriate bonding of the governing board and administrators.
 12. Acknowledgement that the insurance and bonding will be obtained and in full force and effect at all times during the term of the charter.
 13. A description of the student transportation system and the insurance to be purchased in compliance with O.C.G.A. § 20-2-1090. Legal requirements for vehicles and drivers shall be met by the charter school petition.
 14. The ways in which the charter school will meet state and federal requirements for student immunization, emergency preparedness plans, food inspections, hazardous chemicals, and other health and safety issues.
 15. A description of how the charter school shall comply with the constitutional rights of students including, but not limited to, due process, prohibition against unreasonable searches and seizures, and First Amendment guarantees of freedom of speech and

religion.

16. Specification that the charter school is solely responsible for all debts it incurs and will acknowledge that it shall not contractually bind the District with any third party.
17. The charter school's plan for providing services to limited English-proficient students, if any.
18. An indemnification and hold-harmless statement in which the petitioner states that it will indemnify and hold harmless the Cobb County Board of Education, the Cobb County School District, and any officer or employee for liability for any action or inaction on the part of the charter school.
19. A statement of who will be responsible for winding up the business and affairs of the charter school should the charter school cease operation for any reason, including non-renewal or termination.
20. Acknowledgement that the charter school personnel will cooperate fully in the winding up of the affairs of the school.

C. FUNDING:

A charter school that is approved by the Cobb County Board of Education and the State Board of Education shall be included in the allotment of funds to the Cobb County School District. The following guidelines shall be followed:

1. The District and the State Board shall treat the charter school no less favorably than other District schools with respect to the provisions of funds for instructional and administrative programs.
2. The charter school shall:
 - a. Receive local funds according to the formula set out in the Charter Schools Act.
 - b. Be eligible for federal funds on the same basis as other schools in the District.
 - c. Not charge tuition.
3. The District will provide no "up-front money" of any kind to charter school petitioners.
4. The charter school is subject to audit by the District's Internal Audit Services.
5. A charter may be revoked or not renewed by the Board of Education if the Board determines that the charter school failed to meet generally accepted standards of fiscal management as described by the District's Financial Services Division.

II. REQUIREMENT FOR APPROVED CHARTER SCHOOLS

The Cobb County School District (District) is committed to ensuring excellence in its approved charter schools. To achieve this objective, the District shall implement practices that will develop the expertise and skills of the governing boards of its charter schools as well as require charter schools to provide the District with a meaningful annual report on their academic and fiscal performance.

A. GOVERNANCE TRAINING:

Within six (6) months of receiving District approval for a start-up charter school, the governing board of said charter school shall complete a District-approved course in charter school board governance training. Each year thereafter of the charter school term, each board member shall complete at least one (1) day of governance training and all requirements per State Board Rule. In addition, all new members of the governing board must complete board governance training within two (2) months of joining the board.

B. ANNUAL REPORT:

Beginning in year two of the charter school term, the charter school shall submit an annual report detailing the academic and fiscal performance of the charter school relative to the goals outlined in the charter contract. This report is due to the District by September 1st each year of the charter term thereafter. The annual report will be collected and reviewed by the District staff and presented to the Cobb County Board of Education (Board) for review. This provision shall apply to both start-up and conversion charter schools.

Adopted: 5/25/00

Revised: 4/24/03

Reclassified an Administrative Rule: 9/1/04

Revised: 3/23/06; 10/26/06; 3/14/07; 8/8/07; 3/12/08; 11/10/10; 12/8/11; 8/8/12 (Section II Adopted: 1/18/12)

Revised and Re-coded: 9/27/12 (Previously coded As Administrative Rules IHBHD and IHBHDA)

Revised: 11/1/13; 7/3/14; 8/28/15; 2/15/18; 7/1/22; 7/1/23

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
O.C.G.A. 20-2-2064	Approval or denial of petition
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. 20-2-2070	S.B.O.E. deadline for reporting to General Assembly the status of the charter school program
O.C.G.A. 20-2-2063.1	Charter Systems - Charter Advisory Committee established; members; duties
O.C.G.A. 20-2-2063.2	Charter Systems
O.C.G.A. 20-2-2064.1	Charter Systems - Review of charter by state board; charters for state chartered special schools
O.C.G.A. 20-2-2085	Charter School petition requirements
O.C.G.A. 20-2-2086	Petition from existing charter schools
O.C.G.A. 20-2-2087	Charter Schools access to information
O.C.G.A. 20-2-2088	Charter School annual report
O.C.G.A. 20-2-2089	Charter Schools financial responsibility
O.C.G.A. 20-2-2090	Charter School funding
O.C.G.A. 20-2-2091	Charter School collaborative efforts
O.C.G.A. 20-2-2092	Charter School Promulgation of rules and regulations
O.C.G.A. 48-8-144	Local charter schools and state chartered special schools as capital outlay project
O.C.G.A. 20-2-84.1	Loss of governance for nonperforming schools
O.C.G.A. 20-2-880	Plan for public school teachers; definitions
O.C.G.A. 20-2-910	Plan for public school employees; definitions
O.C.G.A. 20-2-84.5	Applicability to charter systems
O.C.G.A. 20-2-2080	Charter School Legislative findings
O.C.G.A. 20-2-2081	Charter School definitions
O.C.G.A. 20-2-2082	Georgia Charter Schools Commission
O.C.G.A. 20-2-2083	Charter Schools Commission; powers and duties
O.C.G.A. 20-2-2084	Charter School; application for co-sponsorship
O.C.G.A. 20-2-211.1	Clearance certificates issued by the Professional Standards Commission relating to fingerprint and criminal background checks
O.C.G.A. 20-2-2071	Validity of charters in effect on July 1, 1998
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