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*"Making Education Work for All Georgians"*

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## **Frequently Asked Questions about Charter Schools (General)**

### **Charter School Basics**

*What is a charter school?*

A charter school is a public school of choice that operates under the terms of a charter, or contract, with an authorizer, such as the state and local boards of education. Charter schools receive flexibility from certain state and local rules in exchange for a higher degree of accountability for raising student achievement. Charter schools are held accountable by their authorizer(s) for upholding the terms of their charter.

*Are charter schools public schools?*

Yes. Charter schools are public schools. As such they receive public funding, cannot charge tuition, must have fair and open enrollment, must be secular, and are required to serve all student populations, including students with disabilities and English language learners.

*What is the difference between a charter school and a traditional public school?*

Two words can help distinguish charter schools from traditional public schools: autonomy and flexibility. Charter schools are governed, not by a local board of education, but by an autonomous non-profit board of directors, and they receive flexibility from certain state and local rules and regulations in exchange for a higher level of accountability. Charter schools use this flexibility to implement innovative or unique programs, in order to provide educational options to parents and students that are not typically available in the traditional public schools.

*What is the difference between a charter school and a magnet or theme school?*

A magnet or theme school is typically a school within a local school district that offers a certain instructional program. Many magnet or theme schools may have admissions criteria such as: test scores; teacher recommendations; or grades. Charter schools operate independently from the local district, and they are not allowed to have admissions criteria. For example, a charter school cannot require students to pass a test or have a certain grade point average in order to be admitted.

*What is the difference between a charter school and a private school?*

Charter schools are public schools of choice. Unlike private schools, they receive public funding, cannot charge tuition, and are not allowed to have admissions criteria. Also unlike private schools, charter schools are subject to many of the same state and all federal regulations as traditional public schools. For example, charter schools participate in the same statewide assessments and accountability measures as traditional public schools.

*How many charter schools are there in Georgia?*

There are currently 119 charter schools in Georgia, not including schools within charter systems. Of the 119 charter schools, there are 88 start-up charter schools and 31 conversion charter schools. In addition, there are 14 charter systems in Georgia, which include 107 schools.

### **Types of Charter Schools in Georgia**

*What are the different types of charter schools in Georgia?*

In Georgia, there are two types of charter schools: start-up charter schools and conversion charter schools. Start-up charter schools are often grouped by their authorizer: locally-approved charter schools and state-chartered special schools.

*What is a start-up charter school?*

A start-up charter school is a charter school that did not exist prior to becoming a charter school.

*What is a conversion charter school?*

A conversion charter school is a charter school that previously existed as a traditional public school. The traditional public school entered into a charter to gain additional flexibility in exchange for greater accountability.

*What is a state-chartered special school?*

A state-chartered special school is a school that has been approved by the State Board of Education after having been denied by a local school district.

*What is a charter system?*

A charter system is a local school district that operates under the terms of a charter between the State Board of Education and the local school district. The system receives flexibility from certain state rules and regulations in exchange for greater accountability. There is an emphasis on school-based leadership and decision-making.

### **Charter Authorizers in Georgia**

*What is an authorizer?*

An authorizer is an entity which has been granted the authority to create charter schools. Authorizers make decisions regarding the approval and renewal of charters. They also conduct ongoing oversight to evaluate performance, monitor compliance, and enforce the terms of a charter.

*Who are charter school authorizers in Georgia?*

In Georgia, local boards of education and the State Board of Education are charter school authorizers.

### **Admissions and Enrollment**

*Is there an admissions process for charter schools?*

The typical admissions process for a charter school is as follows:

- a) Application – can require information regarding contact information, residency and grade level. The application to a charter school should NEVER include information that screens applicants such as: prior test data, letters of recommendation or special services, gender, race, language spoken at home.
- b) Enrollment preferences are then applied to the pool of applicants.

- c) If the number of applicants exceeds the number of spaces, then a random selection (lottery) will be held. The lottery must be open to the public.
- d) Student registration - admitted students submit information that is excluded from the admissions application. Enrollment procedures for charter schools are the same as those for traditional public schools. To read these requirements, see SBOE Rule 160-5-1-.28

*Can charter schools select their students?*

Charter schools, as public schools, must adhere to the same open admission and enrollment standards as traditional public schools. With the exception of certain allowable admissions preferences, charter schools may not select their students, nor deny admission to any applicant provided that there is space for that student within the school's capacity.

*What is a legally allowable enrollment preference?*

A legally allowable enrollment preference allows applicants in certain categories admission to the charter school outside of the random selection (lottery) process. In the case of start-up charters the categories allowable under the Charter Schools Act are as follows: siblings of a student enrolled in the start –up charter school; a sibling of a student enrolled in another local school designated in the charter; a student whose parent or guardian is a member of the governing board of the charter school or is a full time teacher, professional, or other employee at the charter school; and students matriculating from a local school designated in the charter.

Conversion charter schools may legally allow enrollment preferences for: a sibling of a student enrolled in the charter school or in any school in the high school cluster; a student whose parent or guardian is a member of the governing board of the charter school or is a full time teacher, professional, or other employee at the charter school; students who were enrolled in the local school before it became a charter; students who reside in the charter attendance zone specified in the charter.

State-chartered special schools may give enrollment preferences to a student whose parent is a full time teacher, professional, or other employee at the charter school or to a student currently enrolled in a state chartered special school or a sibling of a student currently enrolled in a state-chartered special school.

A charter system shall enroll students pursuant to the terms of its system charter.

*Do charter schools have an attendance zone?*

Yes, charter schools define their own attendance zone within their contract. Enrollment preference is given to students who live within the charter school's defined attendance zone. If seats are not filled after students within the attendance zone are admitted, the school may open up enrollment to any student living within the school district in which the charter school is located.

*Do charter schools have an enrollment cap?*

As part of their flexibility, charter schools have the ability to set an enrollment cap. Typically, a charter school may cap its enrollment as a reflection of its distinct educational program, or based on facilities limitations. If the number of applicants for a school exceeds the number of available

spaces, the school is required to hold a random selection lottery. The lottery must be open to the public.

*How does a charter school lottery work?*

Charter schools are required to conduct a lottery when there are more timely filed applications for admission than there are seats. The lottery must be by random selection and the results must be validated for accuracy. The results of the lottery must be made public.

*My child has special needs. Do charter schools admit and serve students with special needs?*

Yes. Charter schools, as public schools, must have open enrollment and serve all students. Charter schools are required to comply with IDEA and section 504 of the Americans with Disabilities Act (ADA). Furthermore, charter schools are not allowed to “counsel out” students on any basis, including disability or academic aptitude.

### **Testing and Accountability**

*Are charter school students required to participate in the same state assessments as traditional public school students?*

Pursuant to the Charter Schools Act, Charter Schools, as public schools, are subject to the Georgia statewide accountability assessments.

*How are charter schools held accountable for academic results?*

Schools are held accountable for academic results through their charter contract with an authorizer (the local school district and/or the State Board of Education). The contract stipulates certain academic performance goals that the school must meet in order to fulfill the terms of its charter.

*How do I find out how a particular charter school is doing?*

Information regarding a charter schools performance can be accessed on the Georgia Department of Education Accountability website.

### **Organization and Governance**

*Who runs a charter school?*

A non-profit governing board holds the charter for the school. The governing board is responsible for ensuring that academic performance measures set forth in the charter are met. The governing board’s duties and responsibilities include school-level decision making, fiscal management, and a variety of school operations such as personnel decisions.

*How do charter schools choose a governing board?*

Charter schools typically select governing board members who have expertise in areas that would enable them make informed decisions on all aspects of operating a school such as education, law, finance, marketing, non-profit management or any other background that is critical to the vision of the school.

*How many members are on a charter school governing board?*

There is not an exact number; however, the typical charter school governing board has between seven and fifteen members.

*How is the governing board run?*

Each governing board is unique. However, a governing board typically has by-laws that determine the composition of the board, general operations, as well as elections, terminations, vacancies and conflicts of interests. Governing boards should meet regularly throughout the school year.

*What authority does the board have if the school contracts with an educational management organization (“EMO”)?*

The charter school’s governing board has the decision making authority, not the EMO. EMO representatives cannot sit on the governing board of a charter school, as this presents a conflict of interest.

*How does the principal fit into this structure?*

The principal oversees the charter school’s daily operations and reports issues to the governing board regarding areas identified in the charter contract. The principal may also serve as an ex-officio member of the board. As an ex-officio member of the board, the principal shall not participate in voting.

## **Charter School Funding**

*How are charter schools funded?*

Charter schools are funded from multiple sources, much like their traditional public school counterparts.

Charter schools’ funding sources include:

- State Quality Basic Education(QBE) Funding
- Local Funding
- Federal Grants
- Fundraising and Other Charitable Contributions

*Do charter schools receive the same amount of funding as traditional public schools?*

Yes. According to GA Code section 20-2-2068.1(a), *“the local board and the state board shall treat a conversion charter school no less favorably than other local schools located within the applicable local school system unless otherwise provided by law. The local board and the state board shall treat a start-up charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction, school administration, transportation, food services, and, where feasible, building programs.”*

## **Charter Schools and the Law**

*What law governs charter schools in Georgia?*

The Charter Schools Act of 1998, which is located in Title 20 of Georgia Code, is the law that governs charter schools.

*What is a “broad flexibility waiver”?*

A broad flexibility waiver (formerly called a “full flexibility waiver”) allows a charter school or system to implement academic and organizational innovations by waiving certain educational state rules and regulations contained in Title 20 in exchange for increased accountability for student achievement.

*Which laws, rules and regulations cannot be waived by charter schools?*

Charter schools and systems are subject to all provisions outlined in O.C.G.A. 20-2-2065(b). In particular, charter schools may not waive state laws or State Board of Education rules pertaining to health and safety, funding formulas, or accountability provisions. In addition, charter schools may not waive any aspect of federal law. This includes the Elementary and Secondary Education Act (also known as No Child Left Behind), the Individuals with Disabilities Education Act (IDEA), and all applicable civil rights legislation.

*Which students may attend charter schools?*

Students that reside within the charter schools’ or charter systems’ attendance zone or meet the legally allowable enrollment preferences may attend the charter school.

*What is an attendance zone?*

The attendance zone is all or any portion of the local school system in which the charter school is located and may include all or any portion of other local systems if it is jointly authorized.

*Can students outside of the attendance zone attend a charter school?*

Students outside of a charter school’s attendance zone may not attend unless there is a contractual agreement between the local board of the school system where the student resides and the school system where the charter school is located.

## **Charter Contracts**

*What is a charter?*

A charter is a performance-based contract between a local board of education and the charter petitioner, the terms of which are approved by the State Board of Education (SBOE) in the case of a local charter school, between the SBOE and a charter petitioner in the case of state-chartered special school, or between a local board and the SBOE in the case of a charter system. See O.C.G.A. 20-2-2062(1)

*What is included in a charter?*

Although this list is not exhaustive, a charter generally includes the following: charter term, goals and objectives, governance, attendance zones, enrollment priorities, compliance with federal law, accountability provisions.

*Who are the signatories of a charter?*

The signatories for start-up charters and conversion schools are the governing board, the local board of education and the State Board of Education (SBOE). The signatories for charter systems

are the local board of education and the State Board of Education (SBOE). The signatories for state-chartered special schools are the governing board and the Georgia Charter Schools Commission.

*What is the duration of a charter?*

Pursuant to O.C.G.A. Sections 20-2-2067.1(b), the State Board of Education typically grants 5-year charters. At the request of the petitioner, this term may be shorter. Charter terms may not exceed 10 years.

*May a charter be amended?*

Yes, a charter contract may be amended pursuant to O.C.G.A. Section 20-2-2067.1. Amendments are subject to local and state board approval.

*May a charter be terminated?*

Yes, a charter contract may be terminated.

*Under what circumstances may a charter be terminated?*

A charter may be terminated under the following circumstances.

- 1) A majority of parents and guardians of enrolled students OR a majority of faculty and instructional staff vote to request that the state board of education terminate the charter.
- 2) The state board finds that a school has failed to adhere to terms of its charter, has failed to comply with generally accepted standards of fiscal management, or has violated applicable laws, or finds evidence that the continued operation of the school would be contrary to the best interests of the students or the community.
- 3) Upon the written request of a local board of education, provided that the local board provided reasonable notice to the school and an opportunity for a hearing.

Please consult O.C.G.A Section 20-2-2068 for more details regarding the termination of a charter.

### **Additional Questions**

*Whom can I contact if I did not find the answer to my question here?*

Please contact the Charter Schools Division at (404) 657-0515 or [jclarkedodd@doe.k12.ga.us](mailto:jclarkedodd@doe.k12.ga.us).