

**160-4-9-.05 CHARTER SCHOOLS PETITION PROCESS.**

**(1) CHARTER PETITION SUBMISSION.**

(a) LETTERS OF INTENT. Letters of intent to submit a charter petition shall be submitted to the Department in accordance with the Charter Schools Petition Process Guidelines and to the appropriate local board(s).

(b) CHARTER PETITIONS TO LOCAL BOARDS. Local boards may adopt policies regarding submission of charter petitions that are consistent with the timeline and requirements for charter petitions set forth in this Rule and the Charter Schools Petition Process Guidelines. Local boards shall submit to the Department all applications both approved and denied, so that the Department may review local board policies to ensure uniform application of this Rule. Local boards must either approve or deny a petition pursuant to § O.C.G.A 20-2-2064.

(c) CHARTER PETITIONS TO THE DEPARTMENT OF EDUCATION. Charter petitions must be submitted in accordance with timelines, page limitations and formatting requirements as established by the Department pursuant to O.C.G.A. § 20-2-2063 and promulgated in the Charter Schools Petitions Process Guidelines.

**(2) CHARTER PETITION REVIEW PROCEDURES.**

(a) The Department shall process all charter petitions submitted to the Department and coordinate with the Charter Advisory Committee, as applicable, to facilitate the review and recommendations as outlined in the Charter Schools Petition Process Guidelines.

(b) The Department shall make recommendations to the State Board of Education as appropriate, of approval or denial on each charter petition and shall specify the reasons for such recommendations. The Department should work with the Office of College and Career Transitions to make recommendations to the State Board of Education for the approval, denial and renewal of college and career academies.

**(3) CHARTER PETITION REQUIREMENTS.**

(a) START-UP CHARTER PETITIONS. All start-up charter school petitions shall meet the minimum requirements as set forth in the Charter Schools Petitions Guidelines as provided by O.C.G.A. § 20-2-2063. Nothing in this Rule shall be construed to prevent the establishment of a charter school as a separate entity within an existing local school, provided that the charter school meets all other requirements of Rule and law.

(b) CONVERSION CHARTER PETITIONS. All conversion charter petitions shall meet all petition requirements as set forth in Charter Petitions Process Guidelines as

provided by O.C.G.A. § 20-2-2063, including approval by their local board of education prior to petitioning the SBOE.

(c) STATE-CHARTERED SPECIAL SCHOOL PETITIONS. All state-chartered special school petitions shall meet all petition requirements set forth in the Charter Petitions Process Guidelines as provided by O.C.G.A. § 20-2-2063. The content of a state-chartered special school petition may not be altered from the content that was submitted to the local board(s) that denied the petition. State-chartered special schools may be required to submit supplemental information not requested by the local board(s). Once approved, a state-chartered special school may request that a referendum be ordered by the SBOE pursuant to O.C.G.A. § 20-2-2068.1(e). A start-up charter petitioner whose petition has been denied by a local board may submit the charter petition to the SBOE for approval as a state-chartered special school. If the local board(s) does not vote to approve or deny a petition within sixty (60) days after the date of its submission and the petitioner has not requested an extension, the petition may, upon request of the petitioner, be deemed denied by the local board for purposes of submitting a petition for a state-chartered special school.

(d) JOINTLY AUTHORIZED CHARTER PETITIONS. All jointly authorized petitions shall address all petition requirements as set forth in the Charter Petitions Process Guidelines as provided by O.C.G.A. § 20-2-2063.

(e) HIGH SCHOOL CLUSTER PETITIONS. All high school cluster petitions shall address all petition requirements as set forth in the Charter Petitions Process Guidelines provided by O.C.G.A. § 20-2-2063.

(f) CHARTER SCHOOL MERGER PETITIONS. All charter school merger petitions shall address all petition requirements as set forth in the Charter Petitions Process Guidelines.

(g) RENEWAL OF CHARTERS. All charter renewal petitions submitted to the local board(s), and/or the Department shall meet all petition requirements set forth in the Charter Petitions Process Guidelines. Existing charter schools may not apply for renewal to a new authorizer. Existing charter schools seeking to switch authorizers must apply as a new petitioner.

(h) CHARTER SYSTEM PETITIONS. All charter system petitions shall address all petition requirements as set forth in the Charter Petitions Process Guidelines as provided by O.C.G.A. § 20-2-2063.2.

Authority: O.C.G.A. §§ 20-2-161, 20-2-240, 20-2-2062, 20-2-2063, 20-2-2063.1

**Adopted: September 8, 2011                      Effective: September 28, 2011**