



**Dr. John D. Barge, State School Superintendent**  
*"Making Education Work for All Georgians"*

April 8, 2014

**VIA U.S. MAIL**

Mr. Jason Kouns  
Superintendent  
Gilmer County Schools  
134 Industrial Blvd.  
Ellijay, GA 30540

Dear Mr. Kouns:

**RE: Gilmer County Charter System - Executed Charter School Contract**

Enclosed please find the executed Charter contract for Gilmer County Schools. For your reference, please familiarize yourself with the State Board of Education's Charter Schools Rules and Guidelines. The Charter Schools Rules, enacted by the State Board of Education in September 2011 and accompanying Guidelines are available on the Charter Schools Division webpage at <http://www.gadoe.org/External-Affairs-and-Policy/Charter-Schools/Pages/default.aspx>, under the heading "Rules and Regulations".

Congratulations on your charter status and please let us know should you have any questions.

Sincerely,

Morgan L. Felts, Esq.  
Program Manager

c Louis J. Erste, Director, Charter Schools Division

Enclosure: Gilmer County Charter System Executed Charter Contract

## CHARTER FOR GILMER COUNTY SCHOOLS

This Charter for Gilmer County Schools ("Charter") is entered into by the Gilmer County Board of Education ("Local Board") and the State Board of Education ("State Board") (collectively referred to as "the parties").

WHEREAS, the Local Board approved the petition proposing to establish a charter system pursuant to O.C.G.A. § 20-2-2060 *et seq.*, the Charter Schools Act of 1998 ("Charter Schools Act");

WHEREAS, the State Board finds that the petition complies with the provisions of the Charter Schools Act, and the rules, regulations, policies and procedures promulgated in accordance with O.C.G.A. § 20-2-2063 and further finds that the petition is in the public interest and promotes school level governance; and,

WHEREAS, pursuant to O.C.G.A. § 20-2-2063.2, the State Board grants this Charter to permit the Local Board to establish a charter system as defined in O.C.G.A. § 20-2-2062 ("Charter System") in accordance with the terms and conditions of this Charter.

NOW THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Definitions. The terms below will be interpreted in accordance with the following definitions, unless and until federal or state law, or the state accountability system, is amended otherwise:
  - a. Adequate Yearly Progress (AYP): Adequate Yearly Progress is a measurement based on a series of performance goals that every school, Local Educational Agency, and state must achieve within specified timeframes in order to meet the 100% proficiency goal established by the federal No Child Left Behind Act of 2001 ("NCLB"), subject to any amendment, waiver or reauthorization thereof.
  - b. Annual Measureable Objectives (AMOs): In defining Adequate Yearly Progress, each state sets the minimum levels of improvement, based on student performance on state standardized tests that school districts and schools must achieve within time frames specified in law in order to meet the 100% proficiency goal under No Child Left Behind. These levels of improvement are known as Annual Measurable Objectives, and they ensure that all student groups, schools, school districts, and the State as a whole reach the 100% proficiency goal by 2013-2014, subject to any amendment, waiver or reauthorization of NCLB.

- c. Elementary and Secondary Education Act as Amended (ESEA as Amended): The federal education statute, originally passed by the U.S. Congress in 1965, that defines the role of the federal government in public education and authorizes many of the major federal education programs, including Title I. This Act was reauthorized by Congress in 2001 as the No Child Left Behind Act.
- d. College and Career Ready Performance Index (CCRPI): A comprehensive school improvement, accountability, and communication platform for all educational stakeholders that will promote college and career readiness for all Georgia public school students. CCRPI currently replaces AYP.
- e. Criterion-Referenced Competency Tests (CRCT): The Criterion-Referenced Competency Tests are state-required tests to measure student acquisition of the knowledge and skills set forth in the state curriculum. Georgia law requires that these tests be administered to students in grades three through eight in the content areas of Reading, English/Language Arts, Mathematics, Science and Social Studies.
- f. End of Course Test (EOCT): The EOCT program was created to improve student achievement through effective instruction and assessment of the state curriculum standards in associated EOCT core high school courses. The EOCT program also helps to ensure that all Georgia students have access to a rigorous curriculum that meets high performance standards. The purpose of the EOCT is to provide diagnostic data that can be used to enhance the effectiveness of the schools' instructional programs.
- g. Georgia Department of Education (GaDOE or Department): The Georgia Department of Education is the state agency charged with the fiscal and administrative management of certain aspects of K – 12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.
- h. Local Educational Agency (LEA): A Local Educational Agency is a local system pursuant to local board of education control and management.
- i. No Child Left Behind of 2001 (NCLB): No Child Left Behind is a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 – the principal law affecting education from kindergarten through

high school. NCLB is designed to improve student achievement and close achievement gaps. States are required to develop challenging academic standards, to educate all students to 100 percent proficiency by 2014, and to create and implement a single, statewide accountability system. NCLB is subject to amendment, waiver or reauthorization.

- j. State Board of Education (SBOE or State Board): The State Board of Education is the constitutional authority which defines education policy for public K – 12 education agencies in Georgia.
  - k. State Performance Target: The state performance target is set using all students with the goal of decreasing the percentage of students who are not proficient by 50% by 2016-2017.
  - l. Subgroup: A Subgroup under No Child Left Behind is defined as one of the following subsets of students: race/ethnicity (American Indian/Alaskan native, Asian/Pacific Islander, Black, Hispanic, Multiracial, and White); disability; limited English proficiency (LEP); and socioeconomic status. To constitute a Subgroup in Georgia for a school's Adequate Yearly Progress determination, the Subgroup must have at least 40 students or constitute 10% of the assessed student population, whichever is greater, but not to exceed a total number of 75 students. The assessed student population is the total number of children whose test results are used to determine Adequate Yearly Progress.
  - m. Subgroup Performance Target: Individual subgroup performance targets set for each content area, statewide.
2. Charter Term. The State Board grants this Charter to the Local Board to operate a Charter System for a 5-year term beginning on July 1, 2014 and expiring on June 30, 2019.
3. Responsibility. The Local Board shall ultimately be responsible for all duties to be performed by the Charter System and the schools within the Charter System ("System Charter Schools") under this Charter.
4. System Charter Schools.
- a. Except as expressly indicated herein, all schools with a CCRPI designation, including new schools opening during the term of this charter, within the approved Charter System shall be System Charter Schools.
  - b. The Charter System shall notify the Department of any new System Charter Schools prior to obtaining a School Code.

- c. Locally-approved start-up charter schools, conversion charter schools with separate charters and schools with admissions criteria, including but not limited to alternative education centers and magnet schools, shall be excluded from the Charter System.
  - d. The following schools are not part of the Charter System:
    - i. There are no schools in Gilmer County that will not be part of the Charter System.
5. Mission Statement. The Charter System mission is “to provide all students with educational opportunities that produce responsible contributing citizens who are lifelong learners in our ever-changing global society.”
6. Essential or Innovative Features. The Charter System shall implement, but is not limited to, the following innovations:
- a. Flexibility in requirements and delivery of remedial and accelerated programs;
  - b. Performance-based assessments used at all grade levels to measure 21<sup>st</sup> Century and career preparedness skills, including technology;
  - c. Graduation requirements broadened to ensure students are fully prepared for the world of work and post-secondary education and students provided alternative ways to earn credit; and
  - d. Increased collaboration between the post-secondary institutions, business and industry members, community, and the schools.
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7. Maximum Flexibility Allowed by Law. In exchange for the Charter System’s agreement to meet or exceed the performance-based goals and measurable objectives set forth in Section 9 below, the State Board shall grant the maximum flexibility allowed by law to the Charter System. Pursuant to O.C.G.A. § 20-2-2065(a), the Charter System shall be entitled to the maximum flexibility allowed by state law from the provisions of Title 20 of the Official Code of Georgia Annotated and from any state or local rule, regulation, policy, or procedure established by the Local Board, State Board or the Georgia Department of Education (“Department”). Notwithstanding this maximum flexibility, the Charter System and each System Charter School shall comply with the terms of this Charter, the Charter Schools Act, including the provisions set forth in Section 18 below, and any rules, regulations, policies, or procedures established by the State Board consistent with the Charter Schools Act.
8. Accreditation. The district’s accreditation pursuant to O.C.G.A. Section 20-3-519(6.1)(A), shall be maintained for the duration of the charter term.
9. Performance-Based Goals and Measurable Objectives. In exchange for the flexibility granted in Section 7 above, the Charter System agrees to meet or exceed the performance-based goals and measurable objectives that are designed to result in improvement of student achievement as set forth in Appendix A attached to this Charter.

10. Organizational Goals and Measurable Objectives. In exchange for the flexibility granted in Section 7 above, the Charter System agrees to meet or exceed the organizational goals and measurable objectives that are designed to result in improvement of organizational efficiency and school-level governance as set forth in Appendix A attached to this Charter.
11. Assessment and Accountability. Notwithstanding Sections 7 and 9 above, each System Charter School is subject to all accountability and assessment requirements set forth within Title 20 of the Official Code of Georgia Annotated and any corresponding State Board Rules, including but not limited to the accountability provisions of O.C.G.A. § 20-14-30 through § 20-14-41. The System Charter Schools are also subject to all federal accountability requirements under the Elementary and Secondary Education Act, subject to any amendment, waiver or reauthorization thereof.
12. Annual Report. The Charter System shall submit an annual report by October 1 of each year to the Georgia Department of Education that complies with all requirements set forth in O.C.G.A. § 20-2-2067.1(c), including but not limited to an indication of the Charter System's progress towards the goals and objectives stated in Section 9 above and all state-mandated assessment and accountability scores from the previous year.
13. Open Enrollment and Admissions. The Charter System shall enroll students in its System Charter Schools per the terms of this Charter and in accordance with State Board rules. Each System Charter School shall comply with the open enrollment and admissions provisions set forth in O.C.G.A. § 20-2-2066. Enrollment shall be open to any student in accordance with the following criteria:
  - a. Attendance Zone. Enrollment shall be open to any student who resides within the attendance zone for the Gilmer County School System. The attendance zone for each System Charter School shall be determined by the Gilmer County School System.
  - b. Admissions. System Charter Schools may not use admissions criteria or applications that would not otherwise be used at a traditional public school, including but not limited to, requests for letters of recommendation, essays, resumes, or information regarding a student's school or community activities, grades, test scores, attendance record, or disciplinary history. System Charter Schools may use applications for the purpose of verifying students' residence within the System Charter School's attendance zone. System Charter Schools may gather supplemental information from students after enrollment is determined.
  - c. Random Lottery. If the number of timely applicants who reside in the attendance zone does not exceed the capacity of the System Charter School, the System Charter School shall allow students from outside the attendance zone an equal opportunity to enroll through the use of a random lottery process. System Charter Schools shall not conduct more than one lottery per grade per admissions cycle.

14. Withdrawal Without Penalty. The Charter System and each System Charter School shall comply with the provisions of O.C.G.A. § 20-2-2066(d).
15. State and Federally Mandated Educational Services.
  - a. Students with Disabilities. The Charter System and each System Charter School shall comply with all federal special education laws and regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Individuals with Disabilities Education Act.
  - b. English Language Learners. The Charter System and each System Charter School shall comply with all applicable state and federal laws and regulations relating to the provision of educational services to English Language Learners.
  - c. Supplemental Education. The Charter System and each System Charter School shall provide supplemental education services in required cases pursuant to State Board of Education Rule 160-4-5-.03 and No Child Left Behind, subject to any amendment, waiver or reauthorization thereof.
  - d. Remediation. The Charter System and each System Charter School shall provide remediation in required cases pursuant to State Board of Education Rule 160-4-5-.01 and No Child Left Behind, subject to any amendment, waiver or reauthorization thereof.
16. Governance Structure.
  - a. Governing Body. Each System Charter School shall utilize a Governing Council as its governing body, which shall operate with the intent and purpose of maximizing school-level decision making. The Governing Councils shall be responsible for complying with and carrying out the provisions of this Charter, including compliance with all applicable law. For the purposes of the Appendix attached to this charter, the Governing Councils shall be designated as the School Governance Teams (SGTs).
  - b. School-Level Governance. The Governing Councils shall maximize school-level governance, which is defined as decision-making authority in personnel decisions, financial decisions, curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations.
  - c. Control and Management by Local Board. The Governing Council at each System Charter School shall be subject to the control and management of the Local Board.
  - d. Function. It shall be the function of the Governing Councils to maximize school-level governance, uphold the Charter System's mission and vision, set policy for each System Charter School, ensure effective organizational planning, and ensure that Performance-based Goals and Measurable Objectives set forth in Sections 9 and 10 are met.

- e. Decision-Making Authority. The decision-making authority of the principal of each System Charter School, the School Governing Council of each System Charter School, and the Local Board in personnel decisions, including hiring school principals and teachers; financial decisions; curriculum and instruction; resource allocation; establishing and monitoring the achievement of school improvement goals; and school operations shall be implemented.
- f. Annual Training. The Local Board shall adopt an annual training program that includes, at a minimum, an explanation of charter system culture and expectations. All Local Board members, all Governing Council members, the Superintendent, key Local District staff and principals of System Charter Schools shall be trained.
- g. Public Meetings. The Governing Councils are subject to and shall comply with the Open and Public Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, and any subsequent amendment thereof. The Governing Councils shall conduct regular meetings consistent with principles of transparency and avoidance of actual or apparent conflicts of interest in the governance of each System Charter School.
- h. Public Records. The Governing Councils are subject to and shall comply with the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, and any subsequent amendment thereof. The Governing Councils shall maintain their adopted policies, budgets, meeting agendas and minutes and shall make such documents available for public inspection.
- i. Conflicts of Interest. The Charter System shall establish a formal policy to prevent and disclose conflicts of interest. Members of the Governing Councils and System Charter School employees shall abide by such conflicts of interest policy.
- j. Public Status. The Local Board assures that each System Charter School shall be a public, nonsectarian, nonreligious, nonprofit school organized and operated under the laws of the State of Georgia. The Local Board further assures that the System Charter Schools shall not be home based.
- k. Governance Council Compensation. The Charter System shall not compensate Governance Council members in excess of reasonable expenses incurred in connection with actual attendance at council meetings or with performance of duties associated therewith.

17. Fiscal Control.

- a. Annual Audit. The Charter System shall be subject to an independent annual financial audit conducted by the Georgia Department of Audits and Accounts or an independent CPA licensed in Georgia as required by law.



- b. Federal Monitoring Requirements. Each System Charter School shall comply with all federal monitoring requirements related to the receipt of federal funds.
  - c. Charter School Program Grant Funds Eligibility. In the event the Charter System seeks grant funds under the federal Charter School Program, the Charter System must satisfy all federal eligibility requirements as a prerequisite to applying for and receiving such funds.
  - d. Insurance. Prior to opening, the Charter System shall secure adequate insurance coverage, and the Charter System shall maintain such coverage throughout the Charter term in accordance with the laws of the State of Georgia. Prior to execution of this Charter, the Charter System shall secure adequate insurance coverage and the Charter System shall maintain such coverage throughout the Charter term in accordance with the laws of the State of Georgia.
  - e. Responsibility for Debts. The Charter System is solely responsible for all debts incurred by the Charter System and its governing body. Except as agreed hereto, the State Board shall not be contractually bound to the Charter System or to any third party with whom the Charter System has a contract or from whom the Charter System has purchased goods or services.
18. Compliance with Other Laws, Rules, and Regulations. The Charter System and each System Charter School shall operate in accordance with the United States Constitution, the Constitution of the State of Georgia and all applicable federal, state and local laws that may not be waived pursuant to O.C.G.A. § 20-2-2065, including the following, which are listed by way of example and not by way of limitation.
- a. Civil Rights, Insurance, Health and Safety and Conflicting Interests. The Charter System and each System Charter School shall operate in accordance with all applicable federal, state, and local rules, regulations, court orders and statutes relating to civil rights; insurance; the protection of the physical health and safety of students, employees, and visitors; conflicting interest transactions and the prevention of unlawful conduct.
  - b. Asbestos Remediation. The Charter System and each System Charter School shall comply with the terms of any applicable asbestos remediation plan.
  - c. Unlawful Conduct. The Charter System and each System Charter School shall be subject to all laws relating to unlawful conduct in or near a public school.
  - d. Student Conduct and Discipline. The Charter System and each System Charter School shall maintain and implement a written policy regarding student discipline, which policy shall be consistent with due process.
  - e. State Board Rules. The Charter System and each System Charter School shall operate in accordance with all State Board Rules promulgated in accordance with

O.C.G.A. § 20-2-240 during the term herein that are not subject to any waiver granted in Section 7 above.

- f. Prohibition on Discrimination. The Charter System and each System Charter School shall not discriminate against students on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, marital status, academic ability, the need for special educational services or any other characteristic protected by local, state or federal law.
- g. Reporting Requirements. The Charter System and each System Charter School shall be subject to all reporting requirements of O.C.G.A. §§ 20-2-160, 20-2-161(e), 20-2-320 and 20-2-740.
- h. Tuition. The Charter System and each System Charter School shall not charge tuition or fees to its students except as may be authorized for local boards pursuant to O.C.G.A. § 20-2-133.
- i. Brief Period of Quiet Reflection. The Charter System and each System Charter School shall comply with O.C.G.A. § 20-2-1050, which requires a brief period of quiet reflection.
- j. Individual Graduation Plans. The Charter System and each System Charter School shall comply with O.C.G.A. § 20-2-327 related to Individual Graduation Plans.

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- k. Family Educational Rights and Privacy Act. The Charter System and each System Charter School are subject to all provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. In the event a System Charter School closes, it shall transmit all official student records in the manner prescribed by the State Board.
- l. QBE Formula Earnings. The Charter System acknowledges that criteria used to calculate Quality Basic Education (QBE) funding may not be waived.
- 19. Compliance with Rules, Practices, Policies, and Procedures of the Department. The Charter System shall operate in accordance with the rules, practices, policies, and procedures established by the Department under the authority granted by O.C.G.A. § 20-2-2063 *et seq.*
- 20. Employment Matters. The Local Board shall be the employer of all employees of the Charter System and each System Charter School. Employees at each System Charter School shall not be considered employees of the State Board or the Department.
  - a. Background Checks. Each System Charter School shall adopt background check procedures and shall ensure that all prospective staff members undergo a fingerprinting and background check prior to beginning employment at the System Charter School.

- b. Teachers Retirement System. All teachers at each System Charter School shall be members of the Georgia Teachers Retirement System (TRS) and subject to its requirements unless otherwise provided by law.
21. Record Inspection. Subject to state and federal laws, the Local Board, the State Board, its agents, and the state auditor's office shall have the right to examine and copy all records, reports, documents, and files relating to any activity, program, or student at each System Charter School.
22. Facilities.
- a. Should the Charter System choose to participate in capital outlay pursuant to O.C.G.A. §§ 20-2-260 through 20-2-262, the Charter System shall meet with all applicable Law, Rules, and Regulations.
  - b. Should the Charter System choose to not participate in capital outlay pursuant to O.C.G.A. §§ 20-2-260 through 20-2-262, the Charter System shall meet the following requirements:
    - i. Approval of Site and/or Facility. The Charter System shall obtain proper approval for all sites and/or facilities prior to committing to any certificate of lease or ownership, prior to commencing any construction and prior to student occupation. The Charter System shall contact the Georgia Department of Education's Facilities Services Division regarding the following:
      - 1. Site Approval. No less than nine (9) months prior to proposed occupation, the Charter System shall contact the Facilities Services Division and obtain site approval. Once site approval has been granted, the Charter System will be issued a site code. The Charter System shall not commit to any certificate of lease or ownership, allow any construction to commence, nor allow student occupation prior to site approval.
      - 2. Architectural Review. The Charter System shall submit and have approved by the Facilities Services Division all architectural plans for any facility that will house the Charter System during the charter term. The Charter System shall not commit to any certificate of lease or ownership, allow any construction to commence nor allow student occupation prior to architectural review.

3. School Code Approval. After securing both site approval and architectural review approval a school code shall be obtained. The Charter System shall properly obtain a school code prior to occupancy of the site and/or facility.
- ii. Prior to the beginning of the charter term, the Charter System shall obtain documentation from the Facilities Services Unit that the Department is in possession of the following documents for each System Charter School:
    1. Documentation of Ownership or Lease Agreement. The Charter System shall obtain documentation of ownership or the lease agreement for each System Charter School.
    2. Certificate of Occupancy. The Charter System shall obtain a Certificate of Occupancy for each System Charter School.
    3. Emergency Safety Plan. The Charter System shall prepare a safety plan in accordance with O.C.G.A. § 20-2-1185, which plan shall be submitted to the Georgia Emergency Management Agency for each System Charter School.
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- c. The Charter System further agrees that the list of requirements with regard to Facilities contained herein may not be exhaustive to the extent that they impact student health and safety and therefore the Charter System should approach the Facilities Services Unit prior to committing to any certificate of lease or ownership, allowing any construction to commence or allowing student occupation of a facility.
23. Grant Programs. To the extent that the Charter System wishes to participate in a state or federal grant program, the Charter System hereby acknowledges that the requirements of the grant program may not be waivable.
  24. Transportation. The Charter System and each System Charter School shall comply with all applicable laws governing transportation of students.
  25. Food Services. The Charter System and each System Charter School shall comply with all applicable laws governing food service for students.
  26. Agreements with Local Board. This Charter shall not preclude any System Charter School from entering into an agreement with the Local Board, provided no such agreement supersedes, overrides or conflicts with any provision of this Charter.
  27. Termination of Charter.

- a. Termination Procedures. The parties acknowledge and agree that this Charter may be terminated following the procedures set forth in O.C.G.A. § 20-2-2068 and the accompanying State Board Rule.
- b. Requests for Termination. The termination of this Charter may be requested by any School Governing Council following the procedures set forth in O.C.G.A. § 20-2-2068 (b) and the accompanying State Board Rule.
- c. Termination Grounds. In accordance with Sections 27(a) and (b), the State Board may terminate this Charter based on any of the following grounds:
  - ii. The Charter System's failure to comply with any recommendation or direction of the State Board with respect to O.C.G.A. § 20-14-41;
  - iii. The Charter System's failure to adhere to any material term of this Charter, including but not limited to the performance goals set forth in Section 9 above;
  - iv. The Charter System's failure to meet generally accepted standards of fiscal management;
  - v. The Charter System's violation of applicable federal, state, or local laws, or court orders;
  - vi. The Charter System's failure to comply with any provision of O.C.G.A. § 20-2-2065;
  - vii. The existence of conditions that place the health, safety or welfare of students or staff of the Charter System in danger; or
  - viii. Other sufficient grounds the State Board finds appropriate to terminate the Charter as a result of evidence presented at the hearing on a request for termination.

28. Suspension.

- a. Pre-Opening Suspension. In the event the Charter System fails to comply with any provision set forth in this Charter that requires compliance prior to the opening of any System Charter School, the conversion to a Charter System may be suspended until a time after all requirements have been fulfilled by the Charter System and as determined by the Department. Suspension shall not result in an extension of the Charter term set forth above in Section 2.
- b. Emergency Suspension. In the event of an emergency, as solely determined by the State Board, the State Board, through a regular or special-called meeting, may suspend the operations of the Charter System until a termination hearing can be

conducted, as set forth in O.C.G.A. § 20-2-2068 and the accompanying State Board Rule.

29. Renewal, Non-Renewal and Probationary Status.

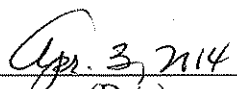
- a. Renewal. The Charter may be renewed by agreement of the parties following the procedures set forth in the Charter Schools Act and accompanying State Board Rule.
- b. Non-Renewal. Any grounds for termination stated in Section 27(c) above may also be grounds for non-renewal. In addition, the State Board may elect not to renew the Charter if the petition for renewal does not comply with the Charter Schools Act and the rules, regulations, policies and procedures promulgated in accordance with the Charter Schools Act or if the State Board deems that the Charter System or a System Charter School has not sufficiently increased student achievement or is no longer in the public interest.
- c. Probationary Term. In the event the State Board determines that the Charter System has failed to comply with any provision of this Charter, the State Board may elect to grant a renewal for a probationary term, within which term the Charter School must come into compliance satisfactory to the Department.

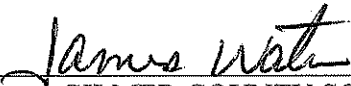
30. Temporary Extension. At the discretion of the Department and the local Superintendent, a Charter System may be extended for a grace period not exceeding sixty (60) days.


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31. Amendments to Charter. Any material term of this Charter, to be determined by the Department, may be amended in writing upon the approval of the Local Board and the State Board. Any proposed amendment shall be made in accordance with O.C.G.A. § 20-2-2067.1 and the accompanying State Board Rule.
  32. Administrative Clarifications. Any request for a clarification to a non-material term of this Charter, to be determined by the Department, shall be submitted in writing to the Department for review. Any non-material term of this Charter may be clarified upon written approval of the Department.
  33. Non-Agency. Nothing in the Charter shall be construed as creating or constituting the relationship of a partnership, joint venture, (or other association of any kind or agent and principal relationship) between the parties thereto. No party to the Charter has the authority to enter into any contract or create an obligation or liability on behalf of, in the name of, or binding upon another party to the Charter.
  34. Delegation. The parties agree and acknowledge that the functions and powers of each party may be exercised only by each party and may not be delegated to a third party without written agreement by the Local Board and the State Board.


35. Application of Amended Law. This Charter is subject to applicable state and federal laws and shall be deemed amended to reflect applicable changes to those laws upon the effective date of any such change.
36. Non-Waiver. No waiver of any breach of this Charter shall be held as a waiver of any other or subsequent breach.
37. Severability. If any provision of the Charter is determined to be unenforceable or invalid for any reason, the remainder of the Charter shall remain in full force and effect.
38. Governing Law and Venue. This Charter shall be governed by, subject to, and construed under the laws of the State of Georgia. This Charter shall be interpreted in accordance with O.C.G.A. § 20-2-2060 *et seq.*, as amended within the term of this Charter. Any action brought by one party to this Charter against another party shall be brought in the Superior Court of Fulton.
39. Contradicting or Conflicting Provisions. If any provision of the Charter is determined to contradict or conflict with any other provision of the Charter, the contradiction or conflict shall be resolved in favor of the broad flexibility guaranteed pursuant to O.C.G.A. § 20-2-2065 *et seq.*
40. Entire Agreement. This Charter sets forth the entire agreement between the Local Board and the State Board with respect to the subject matter of this Charter. All prior contracts, representations, statements, negotiations, understandings, and undertakings between the Local Board and the State Board are superseded by this Charter. The petition submitted to and approved by the Local Board serves only as the formal application for a Charter System and does not constitute a contract between the State Board and the Local Board. This Charter supersedes any conflicting provision contained in the petition.

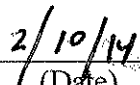
  
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 Chairperson, STATE BOARD OF EDUCATION

  
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 Chairperson, GILMER COUNTY SCHOOLS  
 BOARD OF EDUCATION

  
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 Superintendent, GILMER COUNTY SCHOOLS

  
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 (Date)

## Appendix to Charter for Gilmer County Schools

### Appendix A

The State Board shall hold the Charter System accountable for the full performance of each of the academic goals listed below.

Goal 1: During each year of its first five-year charter term, the Charter System shall “beat the odds” as determined by a formula measuring expected student growth.

1. The Beating the Odds analysis is a cross-sectional, fixed effects regression model that uses the following factors from the CCRPI school-level dataset, GaDOE student record file, and GaDOE CPI<sup>1</sup> data.

- a. Student-based Factors:

- % African American
- % Hispanic
- % White
- % Other
- % Free/Reduced Lunch
- % Students with Disabilities
- % English Learners
- % Gifted

- b. School-based Factors:

- School Size (FTE)
- Student/Teacher Ratio
- School Configuration/CCRPI Score Type (i.e. Elementary, Middle, High)
- Locale Type (i.e. City, Town, Rural)
- District Performance (Fixed Effect)

Renewal decisions for new charter systems first converting in 2014 or later will be based in part on whether the system “beat the odds” in each of the first four years of its first charter term (Years 1-4).

Goal 2: During each year of its first five-year charter term, each System Charter School shall “beat the odds” as determined by a formula measuring expected student growth. If each System Charter School fails to beat the odds in Year 1 of the charter, the Charter System shall decrease

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<sup>1</sup> Certified/Classified Personnel Information



the number of System Charter Schools not beating the odds during Years 2 and 3 at a rate so that all System Charter Schools will beat the odds in Year 4.

Renewal decisions for new charter systems first converting in 2014 or later will be based in part on whether each System Charter School “beat the odds” in each of the first four years of its first charter term (Years 1-4).

Goal 3: The Charter System will demonstrate proficiency and/or improvement on the CCRPI.

1. Measure 1: For new Charter Systems first converting in 2014 or later, using Year 1 of the charter term to establish a CCRPI baseline, the Charter System’s CCRPI score shall be equal to or better than the State in Year 2, and better than the State in Years 3-5 of the charter contract.
2. Measure 2: If the Charter System’s first-year CCRPI score is lower than the State, the Charter System shall have until the end of Year 2 of the charter term to close the gap between the Charter System and the State.
3. Measure 3: In Years 3-5 of the charter term, the Charter System’s CCRPI score shall be better than the State.

Renewal decisions for new Charter Systems first converting in 2014 or later will be based in part on whether the Charter System’s CCRPI score was equal to or better than the State in Year 2, and better than the State Years 3-4 of the charter contract.

The State Board shall hold the Charter System accountable for the full performance of each of the operational goals listed below.

Goal 1: Promote a positive school experience by providing a safe school environment.

Measure 1: According to data reported by the Governor’s Office of Student Achievement Report Card, from a baseline established in Year 1 of the charter term, the Charter System shall decrease the percentage of students absent 15 days or more by at least 1% each year.

Measure 2: From a baseline established in Year 1 of the charter term (2013-2014), the charter system will increase parent satisfaction annually by 5% as measured on the annual parent perception survey until parent satisfaction measures 90% at which time the Charter System shall maintain the 90% satisfaction rate.

Measure 3: From a baseline established in Year 1 (2013-2014) the Charter System will increase parent participation annually by 5% up to 90% at which time the Charter System shall maintain the 90% participation rate.

Goal 2: The Charter System will be economically sustainable.

Measure 1: Each year, the charter system will operate in a fiscally sound manner as measured by an external audit.

Measure 2: Actual and proposed budgets for each school year will demonstrate effective allocation of resources.

Measure 3: Yearly balance sheets will demonstrate that the charter system maintains adequate cash reserves.

Measure 4: The charter system will meet all Generally Accepted Governmental Accounting Standards (GAGAS) as demonstrated by external, annual audit reports.

Goal 3: The Charter System will foster individual school-level governance.

Measure 1: All School Governing Teams will undergo annual governance training.

Measure 2: All School Governing Teams will meet a minimum of six times during the school year.

Measure 3: All School Governing Teams will have representation from a variety of stakeholders, such as teachers, parents and community leaders.

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