

Georgia Lt. Governor Casey Cagle Charter Systems Act

“I believe fundamentally that when we design education around the individual needs of each child, we will achieve excellence. Thus, we have to recognize that no two children learn at the same pace or in the same way. As the father of three boys, I have seen this first-hand in my own home. What motivates one of my sons in the classroom does not interest the other. Where one may gravitate toward reading to absorb information, the other may learn better with a hands-on approach.

Because children learn differently, I believe the best education happens when local control is prominent and innovation and flexibility are embraced. The Charter Systems Act was a bold step forward in this direction, allowing school systems the option of converting all of their schools to charter schools.

Built upon the framework already established in law for charter schools, a Charter System frees systems from burdensome state mandates, allowing communities to define their own educational system and letting teachers do what we have hired them to do – teach our children.”

Casey Cagle
Lt. Governor of Georgia

Creating Charter Systems in Georgia

The Charter Systems Act was enacted in the 2007 Legislative Session with the passage of SB 39. Georgia Code guides the intent of this statute:

It is the intent of the General Assembly to increase student achievement through academic and organizational innovation by encouraging local school systems to utilize the flexibility of a performance based contract called a charter (O.C.G.A 20-2-2061).

Senate Bill 39 went on to allow the State Board of Education to establish the procedures for local school systems wishing to establish a charter system. The charter petition must contain an explanation of the structure, rights, and responsibilities of the principal, governing council, and local board of education of the system charter school, with an objective of maximizing school level governance and the involvement of parents, teachers, and community members in such governance.

Much debate over the legislation focused on the definition of school-level governance and the balance of decision-making authority between the system level and the school level. The legislation defines school-level governance 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.

How is a charter system different from an individual charter school?

During the creation of the Charter Systems Act, it was mandatory to reconcile a school board’s obligations under the Georgia Constitution which states that “each school system shall be under the management and control of a board of education” with the statutory language of the Charter Systems Act that a petition “shall.....contain an explanation of the structure, rights, and responsibilities of the principal, governing council, and local board of education of the system charter school, with an

objective of maximizing school level governance and the involvement of parents, teachers, and community members in such governance."

O.C.G.A. 20-2-2062 reconciles these distinctions by defining "decision-making authority" but not "*ultimate and complete* decision-making authority." This should preserve the constitutional authority of the local school board to have ultimate authority over the control and management of that school system—an authority that local boards must accept and administer but be clear that public policy supports the need for decision making authority at the school house level.

The law makes a further attempt in O.C.G.A. 20-2-2063 (d) to reconcile the balance desired as well as to acknowledge the need for a charter system to "evolve" by mandating an objective of "*maximizing* school level governance" rather than an imperative to "assure school level governance" from the onset.

Another important aspect of the legislation was for systems, through the charter, to clearly identify steps to improve student achievement. This requirement provided for an articulation of how each waiver requested would be used to not only free the system from mandates but also impact school performance. Based upon the laws mandate to maximize school level governance, parents, teachers and school level administration have direct input into these improvements.

Ensuring Implementation

In order to ensure that each system application would meet the intent of the statute, a Charter Advisory Committee (CAC) was formed to assist the state board in its review and approval of petitions. The role of the CAC is to review the system petition, meet with system representatives, and assist in determining the true intent and objectives of their application. In its review the following questions are asked:

1. Does this system have the Capacity to implement charter system status?

The CAC looks for indicators that petitioning Systems possess the "capacity" to innovate and to develop more local "school" government structures. Such indicators cannot be gathered solely from reviewing a petition, so the CAC takes the following steps:

- A. talking with representatives of those systems at CAC meetings,
- B. on-site reviews, and
- C. determine if the system has the Southern Association of College and Schools (SACS) district accreditation. SACS accreditation mandates development of school-based governance. The Department of Education works with the Southern Association of Colleges and Schools on many standards that mandate greater parental/community involvement in every school within an accredited district. No such mandated process appears to be part of accreditation outside of "district accreditation" so it was found that district accreditation is a good indicator of capacity to be a Charter System.

2. Must the district become a charter system in order to innovate?

During the first round of charter system applications, the CAC learned from petitioners about particular innovations that were being prevented from further development because of regulatory hurdles. Multiple petitioners cited the relief from regulation provided by charter system status as the

opportunity to press on with additional steps in planned innovations. Their complaint, in many cases, was to the effect of “we can’t innovate further, in the way we had hoped, without charter system status. Further, we don’t know how far we can take the innovation, and how much we can improve student achievement, until we have the freedom. We have never had the freedom, so we can’t fully project how far that freedom will allow us to innovate.”

3. If approved, how will we ensure that the new charter systems move towards maximizing school level governance and improved student achievement?

The statute articulates an appropriate annual review by the Department of Education in order to insure the progress of each Charter System. Those annual evaluations provide benchmarking that tells us, over time, how Charter Systems continuously improve in maximizing school level governance. They also serve to monitor the goals articulated by the systems that address student achievement. Should a system fail to meet the goals set forth in the charter, it runs the risk of having its charter revoked.

Delivering Results

Roughly a year after the law’s inception in 2007, the state Board of Education approved 4 school systems (out of 5 applications) to be the first Charter Systems in the nation. These pioneers will demonstrate the great potential for educational excellence that exists when we allow local control and community involvement to drive education reform in our schools. The excitement surrounding these four systems has already generated significant buzz throughout the public school community in Georgia, and several other systems have begun the discussion on whether or not to pursue that path for their own schools. In 2009 – we anticipate 12 systems submitting petitions for approval.