

RELENTLESS INNOVATION: Using Charter System Flexibility

A Presentation to a Charter System Foundation Workshop

The Charter System Connection:
Using Flexibility to Impact Instruction

June 22, 2016

HOW DOES BEING A CHARTER SYSTEM

HELP YOU TO RELENTLESSLY INNOVATE?

- Charter Systems can INNOVATE without approval from the state because they can ignore the waived portions of Georgia Education Law (Title 20), State Board Rule, and GaDOE Guidelines

Georgia Department of Education

WHAT FREEDOM DO YOU HAVE TO INNOVATE?

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What does your Charter System contract waive?

Your charter system contract waives everything in Title 20 and related SBOE rules that is not “nonwaivable”

- Examples of commonly used waivers are presented below (starting on the next page)
- A list of things that cannot be waived it also presented below (starting on slide 15)

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What does your Charter System contract waive?

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 the charter system contract, 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 Charter System 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.



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What does your Charter System contract waive?

O.C.G.A. § 20-2-2065. Waiver of provisions of this title; requirements for operating; control and management

(a) Except as provided in this article or in a charter, a charter school, or for charter systems, each school within the system, shall not be subject to the provisions of this title or any state or local rule, regulation, policy, or procedure relating to schools within an applicable school system regardless of whether such rule, regulation, policy, or procedure is established by the local board, the state board, or the Department of Education; provided, however, that the state board may establish rules, regulations, policies, or procedures consistent with this article relating to charter schools. A waiver granted pursuant to this Code section for a charter system shall apply to each system charter school within the system. [...]



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What does your Charter System contract waive?

Academic Program Flexibility Examples

- Graduation Requirements for the purpose of substitution of equivalent or higher level requirements which will assist students in acquiring the knowledge and skills necessary to be successful as they continue their education at the postsecondary level and/or enter the workforce (SBOE Rule 160-4-2-.48, 160-4-2-.47)
- Middle School Program Criteria (O.C.G.A. § 20-2-290)
- General and Career Education Programs (O.C.G.A § 20-2-151)
- Early Intervention Program (O.C.G.A § 20-2-153)
- Remedial Education Program (O.C.G.A. § 20-2-154, O.C.G.A. § 20-2-154.1)
- Language Assistance: Program for Limited English Proficient (LEP) Students (O.C.G.A. § 20-2-156)

What does your Charter System contract waive?

Academic Program Flexibility Examples

- Education Program for Gifted Students except to the extent it relates to funding (O.C.G.A. § 20-2-151)
- School Day and School Year for Students and Employees (O.C.G.A. § 20-2-151, O.C.G.A. § 20-2-160(a), O.C.G.A. § 20-2-168(c), SBOE Rules 160-4-2-.16, 160-5-1-.10, 160-5-1-.01, and 160-5-1-.02)
- Comprehensive Health and Physical Education Program except as prohibited by O.C.G.A. § 20-2-82(e) (SBOE Rule 160-4-2-.12)
- Promotion and Retention (O.C.G.A. § 20-2-283)
- Instructional Extension (O.C.G.A. § 20-2-184.1)
- School Attendance, Compulsory Attendance as it relates to the attendance protocol (O.C.G.A. § 20-2-690.2)

What does your Charter System contract waive?



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Human Resources Flexibility Examples

- Class size/Staffing (O.C.G.A. § 20-2-182)
- Certification Requirements (O.C.G.A. § 20-2-200)
- Personnel Required (SBOE Rule 160-5-1-.22)
- Employment/Conditions of Employment (O.C.G.A. § 20-2-218)
- School Day and Year for Students and Employees (O.C.G.A. §20-2-151, §20-2-160(a), §20-2-168(c), SBOE Rule 160-5-1-.02)

What does your Charter System contract waive?



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Finance Flexibility Examples

- Minimum Direct Classroom Expenditures/Expenditure Controls (O.C.G.A. § 20-2-171 and 20-2-168, SBOE Rule 160-5-1-.29)
- Scheduling for Instruction/Program Enrollment & Appropriations (except to the extent it relates to funding) (O.C.G.A. §20-2-160)
- QBE Financing except to the extent it relates to funding (O.C.G.A. § 20-2-161)
- Categorical Allotment Requirements, Article 6 of Chapter 2 of Title 20 (O.C.G.A. § 20-2-167, O.C.G.A. § 20-2-183 to 20-2-186)

What waivers do Charter Systems report using?*



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Waiver	# of Schools using waiver (out of 32)	% of Schools
Alternative/Non-Traditional Education Programs (to address seat time requirements in grades 6-12)	29	90.6%
Expenditure controls (expenditure of funds required)	22	68.8%
Early Intervention Program (EIP) delivery requirements	21	65.6%
Certification - Teachers	20	62.5%
65% Rule	19	59.4%
Calendar flexibility	19	59.4%

* In the 2015 Annual Reports

What waivers do Charter Systems report ?



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Waiver	# of Schools using waiver (out of 32)	% of Schools
Personnel required (employee classification)	15	46.9%
Gifted Program delivery requirements	15	46.9%
Remedial Education Program (REP) delivery requirements	15	46.9%
English Language Learning Program (EL) delivery requirements	14	43.8%
Attendance	13	40.6%
Promotion, Placement and Retention as it relates to protocols in the decision making process	13	40.6%
Comprehensive Health and Physical Education as it relates to required minutes of instruction	10	31.3%



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What waivers do Charter Systems report using?

Waiver	# of Schools using waiver (out of 32)	% of Schools
Certification - Others	7	21.9%
Guidance Counselors	5	15.6%
At-will contracts	4	12.5%
Salary schedule - Rates	4	12.5%
Statewide Passing Score (for districts desiring to issue standards based report cards in grades 4-12)	4	12.5%
Certification - Administrators	2	6.3%
Salary schedule - Bonuses	1	3.1%

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WHAT ARE THE LIMITS ON YOUR FREEDOM TO INNOVATE?

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What is NOT waivable?



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Assessment and Accountability is NOT Waivable

Each Charter System 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, and the use of Teacher and Leader Effectiveness Systems, including Student Learning Objectives.

The Charter System Schools are also subject to all federal accountability requirements under the Elementary and Secondary Education Act, subject to any amendment, waiver or reauthorization thereof.

What is NOT waivable?



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Other Laws, Rules, and Regulations that are NOT Waivable

The Charter System and each Charter System 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 Charter System 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.

What is NOT waivable?



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- b. Asbestos Remediation. The Charter System and each Charter System School shall comply with the terms of any applicable asbestos remediation plan.
- c. Unlawful Conduct. The Charter System and each Charter System 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 Charter System 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 Charter System 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.

What is NOT waivable?



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- f. Prohibition on Discrimination. The Charter System and each Charter System 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 Charter System 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 Charter System 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 Charter System School shall comply with O.C.G.A. § 20-2-1050, which requires a brief period of quiet reflection.

What is NOT waivable?



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- j. Individual Graduation Plans. The Charter System and each Charter System School shall comply with O.C.G.A. § 20-2-327 related to Individual Graduation Plans.
- k. Family Educational Rights and Privacy Act. The Charter System and each Charter System School are subject to all provisions of the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g. In the event a Charter System 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.
- m. Funding. The Charter System acknowledges that, although becoming a Charter System provides a district maximum flexibility, waivers cannot be used to generate additional funding.

ARE YOU USING YOUR FLEXIBILITY TO INNOVATE?

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What innovations have Charter Systems implemented?*



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ACADEMIC PROGRAM FLEXIBILITY

College and Career Readiness

- Expansion of dual-enrollment/post-secondary opportunities
- Creation of a College and Career Academy
- Youth Entrepreneurship Program/ Workforce Investment Act Program

* Per charter system contracts

What innovations have Charter Systems implemented?



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ACADEMIC PROGRAM FLEXIBILITY

Education Programs

- Alternate instructional approaches for males
- Alternatives to retention for students who have not mastered the grade-level standards by the end of the traditional grading period by bridging students across grade levels, including greater use of online learning.
- Blended/ hybrid learning/flexible scheduling
- Increase fine arts opportunities including enhanced foreign language programs in elementary schools

What innovations have Charter Systems implemented?



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ACADEMIC PROGRAM FLEXIBILITY

Graduation Requirements

- Alternative ways for students to earn credit
- Expand pathways to graduation through BYOT and technology integration, blended learning with FTE awarded for virtual learning, credit bearing internships and alternative graduation programs
- Creation of credit recovery programs
- Provide opportunities for accelerated instructions

What innovations have Charter Systems implemented?



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ACADEMIC PROGRAM FLEXIBILITY

Flexible Scheduling

- Use of intervention periods and extended day opportunities to enhance curricular offerings, help students remain grade appropriate, and give students the opportunity to accelerate their learning
- Develop the serve by 'need not label' model of support
- Hybrid-block scheduling
- Implement alternative schedules and calendars to tailor instruction to each students rate of learning
- Utilize Flexible Service Models

What innovations have Charter Systems implemented?



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HUMAN RESOURCES FLEXIBILITY

- Compensation alignment
- Modify calendar designed for collaborative planning, professional development, and instructional enrichment;
- Certification requirements

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What innovations have Charter Systems implemented?



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FINANCIAL FLEXIBILITY

- Allocations based on needs
- Establish a governance team at each school giving them the authority to budget and spend all QBE Charter System funds.
- We have reused space phased out at the BOE and high school facility.
- Resource management (i.e., using school governance teams to set budget priorities);
- Class-size and Reporting requirements
- School day and year for students and employee

What innovations have Charter Systems implemented?



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OTHER

- Increase effectiveness in the use of community partnerships
 - Community and local business on school governance teams
 - Work with local business to provide industry instructors, teacher externships, student apprenticeships, and student internships

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PRACTICAL USE OF YOUR FLEXIBILITY TO INNOVATE

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Teacher Certification Waivers



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- Charter Systems and SWSS do not have to hire certified teachers or use the state salary scale
 - ✓ For data collection purposes, however, Charter Systems and SWSS are still required to enter the same information for CPI purposes
 - ✓ This ensures that non-certified Charter System and SWSS teachers earn the allowable amount of funding for their districts
 - ✓ The amount of funding allowed is not waivable

Teacher Certification Waivers



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- Charter Systems and SWSS decide for themselves what to pay their teachers
 - ✓ The teachers themselves will only generate the allowable funding for their T&E levels
 - ✓ But a Charter System and SWSS can pay them any amount it wishes to pay them – or use the money for something else

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Teacher Certification Waivers



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- Equating education and industry experience to the state salary schedule
 - ✓ For certified teachers, SBOE rule 160-5-2-.05 defines how experience is calculated for salary purposes
 - ✓ That information, along with the teacher's years of services and certification level, is then factored into CPI to determine the appropriate amount of funding provided by the state for each teacher

Teacher Certification Waivers



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- In order for funding to be generated, the PSC has created a special code (CHW) for Charter Systems, SWSS, and charter schools to report their non-certified teachers to the state
- Charter Systems, SWSS, and charter schools must let their district's FTE coordinator know to code their non-certified teachers with the CHW code
- They must also provide evidence of both a teacher's education level and years of experience in the relevant field

Teacher Certification Waivers



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- The district will then code the non-certified teachers with the CHW code and place them on the state salary schedule using the evidence provided regarding the teacher's education level and years of experience in the relevant field
 - ✓ This will ensure that the non-certified teachers generate the allowable amount of funding for their T&E

Teacher Certification Waivers



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- For example, if the District hires a Ph.D. with 20 years of experience as a rocket scientist to teach a class, the district would place them on the salary schedule at the Ph.D. level with 20 years of experience
- While the district chose to pay their rocket scientist per the salary schedule, they can also pay her more – or pay her less and use the funds she generates on something else

Teacher Certification Waivers



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GaDOE "substitute" Certificate Type Code for CHARTER and SWSS

CHW = GaDOE Certification Waiver

To be combined with:

GaDOE "substitute" Certificate Field Codes for CHARTER and SWSS WAIVER

- **101 = Academic Major (Grades 6-12) - GaDOE Charter and SWSS Waiver only**
- **102 = Course work (minimum of 21 semester hours)* - GaDOE and SWSS Waiver only**
- **103 = GACE - GaDOE and SWSS Waiver only**
- **104 = HOUSSE - GaDOE and SWSS Waiver only**

Instructional Delivery Models (Gifted, EIP, EL, Remedial, Alternate)



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- Charter Systems have flexibility in terms of the instructional delivery models they can use for their Gifted, Early Intervention, English Language, Remedial, and Alternate education programs – but student eligibility (i.e., how you identify students) is not waivable because of the impact it will have on funding
- Charter Systems do not have to use a GaDOE-approved instructional delivery model; Charter Systems can develop and use an alternate delivery model (without obtaining GaDOE approval)
 - ✓ For example, Charter Systems can implement a delivery model that utilizes paraprofessionals in order to reduce class sizes, or a model that serves both eligible and non-eligible students (i.e., students not identified as gifted/EIP/EL/remedial)

