Navigating the Charter School Waters

Much has been in the news lately about the recent GA Supreme Court ruling pertaining to the formation of charter schools. And for those of you who have charter schools in your community, it would be helpful to have some knowledge of this controversial situation.

The history relevant to the recent charter school ruling is as follows. Until 2008, when the Georgia Charter Schools Commission was created by the General Assembly, charter schools were solely approved and created by the local board of education in which the proposed school would be located. Upon the creation of the Commission, an alternative approving method was established and could be used in situations when the local system would not approve the request for a charter school. But just last week, the Supreme Court deemed the approval of charter schools by the Commission unconstitutional. The Supreme Court ruled that only local boards of education have the power to create K-12 public schools. The legislature on the other hand, maintained that the schools the commission has approved are legal under a provision in the Constitution allowing the state to create “special schools”. Hunstein and three other justices found that charter schools which are being approved by the commission do not fit under the “special schools” definition, despite the fact that a clear definition is not provided. (Ruling attached)

The point of contention pertains to the share of local funds collected by counties or municipal school districts which are then distributed to the charter schools on a per-pupil basis. Most local school districts believe that if local FTE funding is diverted to these charter schools for operation, this should justify local approval of the school’s existence. On the other side of the discussion, the General Assembly wishes to provide parents with greater options for their children’s education and ultimately increase the number of these non-traditional type schools.

As a result, some 16 charter schools in Georgia are unsure of their future. Nine of these schools are in existence and the other schools were planning to open this coming school year. The total enrollment in these 16 schools is close to 15,000 students. To determine if any of these schools are in your county, I have provided as an attachment a list of the schools affected by this ruling. It
Charter schools approved under their local boards of education are not affected by this recent Supreme Court ruling.

Sources

Commission and State-Chartered Special School Fact Sheet, GA Department of Education, May 2011

Mark Peevy, Executive Director, Georgia Charter School Commission


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