

# What is ineligible for a waiver?

## *Georgia DOE:*

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.

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.

### **Other Laws, Rules, and Regulations that schools may not waive:**

- 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.
- 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. 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.
- f. 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.
- g. 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.
- h. 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.

i. 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.

j. 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.

k. QBE Formula Earnings. The Charter System acknowledges that criteria used to calculate Quality Basic Education (QBE) funding may not be waived.

l. Funding. The Charter System acknowledges that, although becoming a Charter System provides a district maximum flexibility, waivers cannot be used to generate additional funding.

### ***Fulton County Schools:***

In Fulton County Schools, the following policies are currently hold tights meaning you cannot apply for a Value-Added Flexibility:

- a. AEA School Calendar
- b. IHA Grading
- c. ID Curriculum Development, Delivery and Evaluation: Schools may apply for VAF to request additional curriculum. It may not replace adopted district curriculum.
- d. IFD Continuous Achievement
- e. Opt-In Waiver Choices: Schools may not modify an Opt-In choice or request a VAF similar to an Opt-In already offered.