

**Lake Oconee Academy Board of Governors**  
**Special Called Meeting**  
**5:30 PM, May 15, 2017**

The meeting was opened by Mark Lipscomb by leading the Pledge of Allegiance. The meeting was moved from the upper school building and held in the cafeteria to accommodate approximately 100 people who attended.

- A. Call to Order. Chairman Mark Lipscomb called the special called meeting to order at 5:30 PM.
- B. Establishment of Quorum/Roll Call. Governors James Brooks, Mark Lipscomb, Byron Lombard, Richard Schmidt, Connie Hoyle, Fatima Fields Kim Larkin and David Mapp were in attendance. Also present was CEO Otho Tucker and CFO Tim Hong.
- C. Action Agenda:

Richard Schmidt, Otho Tucker and Mark Lipscomb presented a proposed resolution to engage counsel to work with the school and the State Board of Education on a solution to the issue over the lottery and enrollment process of the school. David Mapp made a motion to adopt the resolution. Seconded by James Brooks. The motion carried 8 – 0. The Resolution is attached to these minutes.

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The school issued a public statement following the meeting. A copy of that statement is attached to these minutes.

Adjournment. There being no further business, Connie Hoyle made a motion to adjourn the meeting. Seconded by Kim Larkin. Motion carried unanimously and the meeting was adjourned.

Resolutions Adopted at the Special Called Meeting  
of Lake Oconee Academy on May 15, 2017

1. The LOA Board of Directors resolves to engage McGuireWoods to represent it in legal matters associated with its dispute with the GA Department of Education regarding LOA's 2017 student lottery.
  
2. LOA Board resolves to authorize Dr. Tucker and Board Member Richard Schmidt to work with McGuireWoods to finalize and submit a request to the GA DOE seeking the following:
  - a. An opinion from the Georgia Attorney General on whether Georgia's charter lottery statute (OCGA 20-2-2066) prohibits the inclusion of students who reside outside the attendance zone at the time of the lottery.
  
  - b. Authorization to allow non-resident students who originally were offered enrollment through LOA's 2017 lottery to participate in a separate program for the 2017-18 school year to be established by Lake Oconee Academy, Inc, but separate from its current charter with Green County Schools and the State Board of Education and not funded by dollars received pursuant to the charter contract.

Public Statement Issued by Lake Oconee Academy  
Following Special Called Meeting May 15, 2017

An open letter to the people of Greene County and beyond.

Lake Oconee Academy has been conducting its lottery as provided by law since it opened in 2007.

When the LOA Charter was renewed in 2016, a provision in the Charter Contract dealing with enrollment was rewritten in a way that was vague enough to allow for multiple valid interpretations, and which did not mirror the controlling language in the Georgia code.

One interpretation is that the school shall enroll any student who resides in the attendance zone who makes an application from anywhere, and that all applicants have an equal chance of being selected in a lottery.

The other interpretation is that the school shall enroll any student who resides in the attendance zone, but who must live in the attendance zone prior to making application and only those applicants shall have an equal chance of being selected in the lottery.

No provision in any law clearly speaks to how the application, lottery or registration process must be conducted. Enrollment only deals with final registration and ultimately taking a seat.

Reasonable minds clearly differ on how to interpret this provision. The totality of all of the state law surrounding this issue, including the state and federal constitutions dealing with equal protection, the policy of the state to allow significant freedoms to charter schools, and the general stated policy of the State to provide quality education to anyone who seeks it under reasonable terms, particularly the disadvantaged, clearly shows that the favored interpretation for charter schools should be the same as other public schools in general, that is, it should be in favor of an open application and lottery policy rather than a closed, limited and discriminatory policy.

LOA conducted its lottery on April 5. Since that time, persons who were accepted in the lottery have quit their jobs and have moved to Greene County, have bought new properties here in Greene County or have signed leases. In other words, they have relied in good faith to their detriment.

Lake Oconee Academy has been working closely with the State Board of Education on a solution which reasonably follows the state's interpretation of the Charter Contract language but also provides a fair and equitable solution for those persons from out of the County that have been placed in harm's way. Further the school expects to work with the State Board going forward to change the laws to make them clear and fair.

Lake Oconee Academy clearly understands and empathizes with each and every student and family who has not been able to get into one of the best schools in Georgia. This year 70% of the

applications, 349 out of 502, were from Greene County. It is clear that a significant population of parents and students believe in the education program at LOA and want to have the opportunity to participate in that program. To us that speaks volumes.

LOA has been actively trying to increase the size of the school and build new facilities since 2011, 6 years. Those attempts, with the exception of some modular classroom units, have largely and effectively been opposed by persons here in the county. LOA cannot educate students without room to seat them and without funding to pay for teachers and space. Creating more space and increasing the Charter's enrollment limit is the essential problem to solve in the short run. The immediate solution is to work with those community and school board members in opposition to the school to work productively towards a solution to LOA's capacity problem.

The larger solution to the problem of not getting into LOA cannot be solved for all residents by building a bigger LOA. The real solution is to raise the tide at every school and make the Greene County School System, as a whole, a place where every parent wants to send their child. We applaud our current Board of Education for taking steps towards that goal. And look forward to working towards that productive, positive and mutually beneficial goal.