

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 22.1-26, 22.1-212.5, 22.1-212.7, 22.1-212.8, 22.1-212.13, and 22.1-212.14 of the Code of Virginia, relating to residential charter schools for at-risk pupils.

[H 742]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-26, 22.1-212.5, 22.1-212.7, 22.1-212.8, 22.1-212.13, and 22.1-212.14 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-26. Joint schools.

Two or more school boards may, with the consent of the State Board, establish joint or regional schools, including regional charter schools *and regional residential charter schools for at-risk pupils*, for the use of their respective school divisions and may jointly purchase, take, hold, lease, convey and condemn both real and personal property for such joint or regional schools. The school boards, acting jointly, shall have the same power of condemnation as other school boards except that land so condemned shall not be in excess of thirty acres for the use of any one joint or regional school. The title to all property acquired for such purposes shall vest jointly in the school boards in such respective proportions as the school boards may determine, and the schools shall be managed and controlled by the school boards jointly, in accordance with such regulations as are promulgated by the State Board. However, the regulations in force at the time of the adoption of a plan for the operation of a joint or regional school shall not be changed for such joint or regional school by the State Board without the approval of the school boards. The school boards operating a regional charter school shall determine the school division to which any regional charter school is assigned for the purposes of any restrictions on the number of charter schools imposed by § 22.1-212.11.

§ 22.1-212.5. Objectives; definitions.

A. In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide parents and students with more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management and structure; (v) encourage performance-based educational programs; (vi) establish high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, charter schools may be established in Virginia as provided in this article.

B. As used in this article:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"Charter school" means a public, nonsectarian, nonreligious, or non-home-based alternative school located within a public school division. A charter school may be created as a new public school or through the conversion of all or part of an existing public school; however, no charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. *A charter school for at-risk pupils may be established as a residential school.*

§ 22.1-212.7. Contracts for charter schools; release from certain policies and regulations.

An approved charter application shall constitute an agreement, and its terms shall be the terms of a contract between the charter school and the local school board. The contract between the charter school and the local school board shall reflect all agreements regarding the release of the charter school from school division policies. Such contract between the charter school and the local school board shall reflect all requests for release of the charter school from state regulations, except for the requirements of the Standards of Quality. The local school board, on behalf of the charter school, shall request such releases from the Board of Education.

If the charter application proposes a program to increase the educational opportunities for at-risk students, *including those proposals for residential charter schools for at-risk students*, the local school board, on behalf of the charter school, shall also request that the Board of Education approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.

Any material revision of the terms of the contract may be made only with the approval of the local school board and the management committee of the charter school.

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§ 22.1-212.8. Charter application.

A. Any person, group, or organization may submit an application for the formation of a charter school.

B. The charter school application shall be a proposed agreement and shall include:

1. The mission statement of the charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the charter school, which educational objectives must meet or exceed the Standards of Learning.

3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a charter school.

4. A statement of the need for a charter school in a school division or in a geographic area within a school division.

5. A description of the charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; the assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the charter school falls below such standards.

6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division.

7. Evidence that the plan for the charter school is economically sound for both the charter school and the school division; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, is to be conducted.

8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the charter school and for the placement of charter school pupils, teachers, and employees upon termination or revocation of the charter.

9. A description of the management and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the charter school.

10. An explanation of the relationship that will exist between the proposed charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees.

11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

12. A description of how the charter school plans to meet the transportation needs of its pupils.

13. Assurances that the charter school (i) is nonsectarian in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.

14. *In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.*

§ 22.1-212.13. Employment of professional, licensed personnel.

A. Charter school personnel shall be employees of the local school board granting the charter.

B. Professional, licensed *education* personnel may volunteer for assignment to a charter school. Assignment in a charter school shall be for one contract year. Upon request of the employee and the recommendation of the management committee of the charter school, reassignment to the charter school shall occur on an annual basis.

C. At the completion of each contract year, professional, licensed *education* personnel who request assignment to a noncharter school in the school division or who are not recommended for reassignment in the charter school, other than for the grounds cited in § 22.1-307, shall be guaranteed an involuntary transfer to a noncharter school in the school division according to the employment policies of the school division.

D. Professional, licensed personnel of a charter school shall be granted the same employment benefits given to professional, licensed personnel in noncharter schools.

E. Nothing in this section shall be construed to restrict the authority of the local school board to assign professional, licensed personnel to a charter school or any other public school as provided in §§ 22.1-293 and 22.1-295.

118 F. School boards may employ such health, mental health, social services, and other related personnel
119 to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between
120 such school board and the charter school; however, nothing herein shall require a school board to fund
121 the residential or other services provided by a residential charter school.

122 § 22.1-212.14. Funding of charter schools; services provided.

123 A. For the purposes of this article, students enrolled in a charter school shall be included in the
124 average daily membership of the school division; however, charter schools shall not be reported in fall
125 membership for purposes of calculating the state and local shares required to fund the Standards of
126 Quality.

127 B. Insofar as constitutionally valid, a local school board may establish by contract an agreement
128 stating the conditions for funding the charter school, *including funding for the educational program to*
129 *be provided by a residential charter school for at-risk students.*

130 C. Services provided the charter school by the local school board may include food services;
131 custodial and maintenance services; curriculum, media, and library services; warehousing and
132 merchandising; and such other services not prohibited by the provisions of this article or state and
133 federal laws.

134 D. Funding and service agreements between local school boards and charter schools shall not provide
135 a financial incentive or constitute a financial disincentive to the establishment of a charter school.

136 E. Any educational and related fees collected from students enrolled at a charter school shall be
137 credited to the account of such charter school established by the local school board.

138 F. Notwithstanding any other provision of law, the proportionate share of state and federal resources
139 allocated for students with disabilities and school personnel assigned to special education programs shall
140 be directed to charter schools enrolling such students. The proportionate share of moneys allocated under
141 other federal or state categorical aid programs shall be directed to charter schools serving students
142 eligible for such aid.

143 G. The management committee of a charter school is authorized to accept gifts, donations, or grants
144 of any kind made to the charter school and to spend such funds in accordance with the conditions
145 prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management
146 committee of a charter school if the conditions for such funds are contrary to law or the terms of the
147 agreement between the local school board and the charter school.

148 H. The Department of Education shall provide technical assistance to local school boards electing to
149 receive, review, and act upon applications for charter schools.