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SENATE BILL NO. 571

Offered January 24, 2000

A BILL to amend and reenact §§ 22.1-16, 22.1-212.6, and 22.1-212.7 of the Code of Virginia, relating to waivers of regulations of the Board of Education.

Patrons—Rerras, Barry, Bolling, Houck, Howell, Martin, Mims, Newman, Potts and Quayle; Delegates: Drake, Jones, S.C., Landes, McClure and Wardrup

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-16, 22.1-212.6, and 22.1-212.7 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-16. Bylaws and regulations generally.

A. The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

B. *For good cause and subject to reasonable procedures and criteria promulgated by the Board pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), the Board may waive the applicability of one or more of its regulations to a school or a school board. Such waivers may be issued (i) upon the Board's initiative; (ii) at the request of a school board; (iii) or at the request of an individual school, upon approval of the request by the relevant school board.*

The Board shall not waive those regulations or provisions of regulations that (i) implement the Standards of Quality; (ii) address student achievement requirements for school accreditation, student achievement expectations, and graduation requirements prescribed in the Standards of Accreditation; (iii) are identified by the Board of Education as necessary to meet federal statutory and regulatory requirements; or (iv) are identified by the Board as necessary to protect the health and safety of public school students and personnel.

§ 22.1-212.6. Establishment and operation of charter schools; requirements.

A. A charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division.

Enrollment shall be open to any child who is deemed to reside within the relevant school division, as set forth in § 22.1-3, through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

B. A charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the charter school applicant and the local school board. Pursuant to a charter contract and as specified in § 22.1-212.7, a charter school may operate free from specified school division policies and state regulations, except for the requirements of the Standards of Quality *and as provided in § 22.1-16 B.*

C. Pursuant to a charter agreement, a charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. In no event shall a charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the charter school shall be subject to negotiation between the charter school and the school division.

E. A charter school shall not charge tuition.

§ 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

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60 and the local school board shall reflect all agreements regarding the release of the charter school from
61 school division policies. Such contract between the charter school and the local school board shall
62 reflect all requests for release of the charter school from state regulations, except for the requirements of
63 the Standards of Quality *and as provided in § 22.1-16 B*. The local school board, on behalf of the
64 charter school, shall request such releases from the Board of Education.

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

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