

022322930

**HOUSE BILL NO. 734****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education  
on February 6, 2002)

(Patron Prior to Substitute—Delegate Sears)

*A BILL to amend and reenact §§ 22.1-212.8, 22.1-212.9, 22.1-212.11, and 22.1-212.15 of the Code of Virginia, and to amend the Code of Virginia by adding in Article 1.2 of Chapter 13 of Title 22.1 a section numbered 22.1-212.16, relating to charter schools.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-212.8, 22.1-212.9, 22.1-212.11, and 22.1-212.15 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Article 1.2 of Chapter 13 of Title 22.1 a section numbered 22.1-212.16 as follows:**

§ 22.1-212.8. Charter application.

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

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

1. The mission statement of the public 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 public 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 public charter school.

4. A statement of the need for a public charter school in a school division or participating school divisions in the case of a regional public charter school, or in a geographic area within a school division or participating school divisions, as the case may be.

5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; ~~the any~~ assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, *in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3*; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public 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 public 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 or, in the case of a regional public charter school, in effect for any of the participating school divisions.

7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or participating school divisions, as the case may be; 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 public charter school, including any services provided by the school division or participating school divisions, as the case may be, 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 public charter school ~~and for the~~, *in instances of the conversion of an existing public school to a public charter school, and for the* placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

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

10. An explanation of the relationship that will exist between the proposed public 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 public charter school plans to meet the transportation needs of its pupils.

13. Assurances that the public 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.

§ 22.1-212.9. Review of public charter school applications.

A. Public charter school applications shall only be received and reviewed by a local school board or, in the case of a regional public charter school, by all of the participating school boards, after public notice, a public hearing, and adoption by the local school board or boards of a resolution stating the intent to receive applications for the establishment of such other public charter schools in the relevant school divisions. The public notice shall appear once a week for two successive weeks in a newspaper having a general circulation in the jurisdiction of the relevant school divisions. The second publication shall not be sooner than one calendar week after the first publication.

Each local school board that adopts a resolution announcing its intent to accept applications for public charter schools, *including those from colleges and universities*, and publishes such notice of its intent shall establish procedures for receiving, reviewing, and ruling upon applications and shall make a copy of any such procedures available to all interested parties upon request. If any such board finds the public charter school application is incomplete, the board shall request the necessary information from the charter applicant.

B. To provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist local school boards in their decisions to grant a public charter school application, local school boards may establish a procedure for public notice, comment, or hearings on public charter school applications.

C. Prior to receiving applications for any public charter school, a local school board shall provide public notice of its intent to accept or not to accept applications for public charter schools and may, upon providing such public notice, alter its decision to accept or not to accept such applications.

§ 22.1-212.11. Public charter school restrictions.

A. On and after July 1, 1998, local school boards electing to receive applications for public charter schools pursuant to § 22.1-212.9 may establish public charter schools within the school division and shall be authorized to limit the number of schools so established; however, the total number of public charter schools, including those designed to increase educational opportunities for at-risk pupils but not including any regional public charter schools, shall not exceed ten percent of the school division's total number of schools or two public charter schools, whichever is greater. Priority shall be given to public charter school applications designed to increase the educational opportunities of at-risk students, and at least one-half of the public charter schools per division shall be for at-risk students.

B. Local school boards ~~that shall report the grant or denial of~~ public charter school applications ~~shall report such action~~ to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted *or denied*; and whether a public charter school is designed to increase the educational opportunities of at-risk students.

C. Nothing in this article shall be construed to prevent a school that is the only school in the division from applying to become a public charter school.

§ 22.1-212.15. Evaluation of public charter schools; reports.

School boards ~~establishing that have approved public charter school applications and established~~ public charter schools shall submit annual evaluations of such schools to the Board of Education. The Board shall review the evaluations against any Board regulations and policies waived for the public charter schools to determine the efficacy of such waivers and whether the public charter schools accomplished established goals and objectives. Such school boards shall also submit annually to the Board a comparison of the performance of public charter school students and students enrolled in the regular schools of such relevant school division and a report of the number of students enrolled in such public charter schools at the end of the school year.

The Board shall report annually its findings and evaluations of any public charter schools established in the Commonwealth, *as well as the number of charters denied*, to the Governor and the General Assembly, beginning in January 1999.

§ 22.1-212.16. Immunity.

*Public charter schools shall be immune from liability to the same extent as all other public schools in the Commonwealth, and the employees and volunteers in a public charter school are immune from liability to the same extent as the employees and volunteers in a public school.*