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HOUSE BILL NO. 845

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact §§ 22.1-212.7, 22.1-212.11, and 22.1-212.12 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-212.14:1, relating to charter schools.

Patron—Baskerville

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.7, 22.1-212.11, and 22.1-212.12 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 22.1-212.14:1 as follows:

§ 22.1-212.7. Contracts for public 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 public charter school and the local school board or, in the case of a regional public charter school, between the regional public charter school and the relevant school boards. The contract between the public charter school and the local school board or relevant school boards shall reflect all agreements regarding the release of the public charter school from school division policies. Such contract between the public charter school and the local school board or relevant school boards shall reflect all requests for release of the public charter school from state regulations, consistent with the requirements of subsection B of § 22.1-212.6. The local school board or relevant school boards, on behalf of the public 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, *or for student populations currently served by schools that have not achieved full accreditation*, the local school board or relevant school boards, as the case may be, on behalf of the public 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 or relevant school boards and the management committee of the public charter school.

§ 22.1-212.11. Public charter school restrictions.

A. Local school boards 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 (i) designed to increase the educational opportunities of at-risk students *and those (ii) addressing student populations currently served by schools that have not achieved full accreditation*, and at least one-half of the public charter schools per division shall be for ~~at-risk students~~ *such applications*.

B. Local school boards shall report the grant or denial of public charter school applications 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 *or address student populations currently served by schools that have not achieved full accreditation*.

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.

§ 22.1-212.12. Public charter school term; renewals and revocations.

A. A charter may be approved or renewed for a period not to exceed ~~three~~ *five* school years. A public charter school renewal application submitted to the local school board or, in the case of a regional public charter school, to the relevant school boards shall contain:

1. A report on the progress of the public charter school in achieving the goals, objectives, program and performance standards for students, and such other conditions and terms as the school board or boards may require upon granting initial approval of the charter application.

2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration,

59 instruction, and other spending categories for the public charter school and that has been concisely and
60 clearly written to enable the school board or boards and the public to compare such costs to those of
61 other schools or comparable organizations.

62 B. Local school boards may revoke a charter if the public charter school:

63 1. Violates the conditions, standards, or procedures established in the public charter school
64 application;

65 2. Fails to meet or make reasonable progress toward achievement of the content standards or student
66 performance standards identified in the charter application;

67 3. Fails to meet generally accepted standards of fiscal management; or

68 4. Violates any provision of law from which the public charter school was not specifically exempted.

69 A charter may be revoked if the local school board determines, in its discretion, that it is not in the
70 public interest or for the welfare of the students within the school division to continue the operation of
71 the school or, in the case of a regional public charter school, to continue its participation in the
72 operation of the school.

73 C. Nothing in this section shall be construed to restrict the authority of local school boards to decline
74 to renew a charter agreement.

75 § 22.1-212.14:1. *Charter Schools Assistance Program and Fund.*

76 A. *From such gifts, donations, grants, bequests, and other funds as may be received on its behalf,*
77 *there is hereby established the Charter Schools Assistance Program, to be administered by the Board of*
78 *Education, and a special nonreverting fund within the state treasury known as the Charter Schools*
79 *Assistance Fund. The Fund shall be established on the books of the Comptroller, and any moneys*
80 *remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain*
81 *in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.*

82 *The State Treasurer shall manage the Fund, subject to the authority of the Board of Education to*
83 *provide for its disbursement. The Fund shall be disbursed to award grants to school divisions approving*
84 *charter applications and successful public charter school applicants for the construction and lease of*
85 *facilities for public charter schools.*

86 B. *The Board shall establish criteria for making grants from the Fund and determining grant*
87 *amounts and procedures for the repayment of such grants under specific circumstances, such as certain*
88 *revocations, nonrenewal, or public charter school closures that result in private ownership and use of*
89 *the public charter school facility for purposes other than public education.*

90 *The Board may issue guidelines governing the Program as it deems necessary and appropriate.*