060959364

HOUSE BILL NO. 223

Offered January 11, 2006

Prefiled January 3, 2006

A BILL to amend and reenact §§ 22.1-212.5 through 22.1-212.10 and 22.1-212.12 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-212.5:1 and 22.1-212.14:1, relating to college partnership laboratory schools.

Patrons—Jones, D.C. and Saxman

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.5 through 22.1-212.10 and § 22.1-212.12 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-212.5:1 and 22.1-212.14:1 as follows:

Article 1.2.

Establishment of Charter *and College Partnership Laboratory Schools*.

§ 22.1-212.5. Objectives; definitions.

A. (Effective until July 1, 2009) 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 the use of performance-based educational programs; (vi) establish and maintain high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools *and college partnership laboratory schools* may be established in Virginia as provided in this article.

A. (Effective July 1, 2009) 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 the use of performance-based educational programs; (vi) establish high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools *and college partnership laboratory 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.

"College partnership laboratory school" means a public, nonsectarian, nonreligious school established by a public or private accredited institution of higher education operating in the Commonwealth.

"Public charter school" means a public, nonreligious, or non-home-based alternative school located within a public school division. A public 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 public 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.

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards.

§ 22.1-212.5:1. College Partnership Laboratory School Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the College Partnership Laboratory School Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated by the General Assembly and any gifts, grants, bequests, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of establishing or supporting college partnership laboratory schools in the Commonwealth that stimulate the development of alternative public education programs by providing opportunities for innovative instruction and greater cooperation and coordination between institutions of higher education

3/23/10 6:37

and K-12 education systems. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.

§ 22.1-212.6. Establishment and operation of public charter schools and college partnership laboratory schools; requirements.

A. A public charter school *or college partnership laboratory 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 or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

Enrollment shall be open to any child who is deemed to reside within the relevant school division or, in the case of a regional public charter school *or a college partnership laboratory school*, within any of the relevant school divisions, 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 public charter school *or college partnership laboratory 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 public charter school applicant and the local school board *or, in the case of a college partnership laboratory school, by the institution of higher education applicant and the Board of Education*. Pursuant to a charter contract and as specified in § 22.1-212.7, a public charter school *or college partnership laboratory school* may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. (Effective until July 1, 2009) Pursuant to a charter agreement, a public charter school *or college partnership laboratory 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 public charter school *or college partnership laboratory school* may negotiate and contract with a school division, the governing body of institutions of higher education, or any third party for the use or construction of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school *or college partnership laboratory school* is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school *or college partnership laboratory school* contracts with a school division shall not exceed the division's costs to provide such services.

C. (Effective July 1, 2009) Pursuant to a charter agreement, a public charter school *or college partnership laboratory 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 public charter school *or college partnership laboratory 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 public charter school *or college partnership laboratory school* is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school *or college partnership laboratory school* contracts with a school division shall not exceed the division's costs to provide such services.

D. In no event shall a public 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 public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school *or college partnership laboratory school* shall not charge tuition.

§ 22.1-212.7. Contracts for public charter schools and college partnership laboratory 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 *(i)* between the public charter school and the local school board, ~~or, in the case of a regional public charter school,~~*(ii)* between the regional public charter school and the relevant school boards, *or (iii) in the case of a college partnership laboratory school, between the college partnership laboratory school and the Board of Education*. 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. *In the case of a college partnership laboratory school, the contract between the college partnership laboratory school and the Board of Education shall reflect all requests for release of the college partnership laboratory school from state and local regulations, consistent with the requirements of subsection B of § 22.1-212.6.*

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 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. *In the case of a college partnership laboratory school charter application that proposes a program to increase the educational opportunities for at-risk students, the Board of Education shall 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 *or, in the case of a college partnership laboratory school, by the Board of Education,* and the management committee of the public charter school *or college partnership laboratory school*.

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school. *Any institution of higher education chartered and operating within the Commonwealth and accredited by the State Council of Higher Education for Virginia may submit an application for formation of a college partnership laboratory school*

B. The public charter school *or college partnership laboratory 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. (Effective until July 1, 2009) *In the case of a public charter school or regional public charter school only,*~~Evidence~~ *evidence* that an adequate number of parents, teachers, pupils, residents of the school division, or any combination thereof, support the formation of a public charter school.

3. (Effective July 1, 2009) *In the case of a public charter school or regional public charter school only,*~~Evidence~~ *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 *or college partnership laboratory school* in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant 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; 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 relevant school divisions.

7. Evidence that the plan for the ~~public charter~~ school is economically sound for both the public charter school *or the college partnership laboratory school* and the school division or relevant 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 relevant school divisions, as the case may be, is to be conducted.

8. ~~A~~*In the case of a public charter school or regional public charter school only, a* plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public

charter school, 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 nonreligious 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 *only*, 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.

15. (Effective until July 1, 2009) ~~Disclosure~~*In the case of a public charter school or regional public charter school only, disclosure* of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

C. (Effective until July 1, 2009) ~~The~~ *In the case of a public charter school or regional public charter school only, the* charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

§ 22.1-212.9. Review of public charter school and college partnership laboratory school applications.

A. Public charter school applications shall be received and reviewed by local school boards or, in the case of a regional public charter school, by all of the relevant school boards. *College partnership laboratory school applications shall be received and reviewed by the Board of Education.*

Each local school board *and the Board of Education* 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. *In the case of college partnership laboratory school applications, the Board of Education's review procedures shall establish a review committee that shall include Virginia residents familiar with the operation of similar schools located in other states.*

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

C. (Effective until July 1, 2009) The public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The Board's review shall examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law. The Board's review and comment shall be for the purpose of ensuring that the application conforms with such criteria, but shall not include consideration as to whether the application shall be approved by the local school board.

§ 22.1-212.10. Decision of local board and Board of Education final.

The decision of a local school board *and the Board of Education, as the case may be,* to grant or deny a public charter school *or college partnership laboratory school* application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.

§ 22.1-212.12. Public charter school and college partnership laboratory school terms; renewals and revocations.

A. (Effective until July 1, 2009) A charter may be approved or renewed for a period not to exceed 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~~,~~ *application submitted* to the relevant school boards, *and a college partnership laboratory school application submitted to the Board of Education* shall contain:

A. (Effective July 1, 2009) A charter may be approved or renewed for a period not to exceed three

school years. A public charter school renewal application submitted to the local school board, ~~or, in the case of~~ a regional public charter school~~,~~ *application submitted* to the relevant school boards, *and a college partnership laboratory school application submitted to the Board of Education* 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 *or Board of Education* 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, instruction, and other spending categories for the ~~public charter~~ school and that has been concisely and clearly written to enable the school board or boards *or the Board of Education* and the public to compare such costs to those of other schools or comparable organizations.

B. Local school boards *and, in the case of a college partnership laboratory school, the Board of Education* may revoke a charter if the public charter *or college partnership laboratory* school:

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

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

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

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

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

C. Nothing in this section shall be construed to restrict the authority of local school boards *or, in the case of a college partnership laboratory school, the Board of Education* to decline to renew a charter agreement.

§ 22.1-212.14:1. Funding of college partnership laboratory schools.

A. Each college partnership laboratory school shall receive the proportionate amount of state funds for students enrolled in such schools that are allocated for such students if they attend the public schools of the school division in which they reside.

B. The management committee of a college partnership laboratory school is authorized to accept gifts, donations, or grants of any kind and to spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management committee of a college partnership laboratory school if the conditions for such funds are contrary to law or the terms of the agreement between the Board of Education and the college partnership laboratory school.

C. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to college partnership laboratory schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to college partnership laboratory schools serving students eligible for such aid.

D. College partnership laboratory schools shall be eligible to apply for and receive any federal or state funds otherwise allocated for public charter schools in the Commonwealth.

E. Any educational and related fees collected from students enrolled at a college partnership laboratory school shall be credited to the account of such school.