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HOUSE BILL NO. 1844

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 4, 2009)

(Patron Prior to Substitute—Delegate Lingamfelter)

A BILL to amend and reenact §§ 22.1-212.8 and 22.1-212.11, as it shall become effective, of the Code of Virginia and to amend and reenact the second enactment of Chapter 530 of the Acts of Assembly of 2004, relating to public charter schools.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.8 and 22.1-212.11, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 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.

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. (Effective until July 1, 2009) 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) 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 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 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 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.

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

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

66 15. (Effective until July 1, 2009) Disclosure of any ownership or financial interest in the public
67 charter school, by the charter applicant and the governing body, administrators, and other personnel of
68 the proposed public charter school, and a requirement that the successful applicant and the governing
69 body, administrators, and other personnel of the public charter school shall have a continuing duty to
70 disclose such interests during the term of any charter.

71 *16. Disclosure of any ownership or financial interest in the public charter school, by the charter*
72 *applicant and the governing body, administrators, and other personnel of the proposed public charter*
73 *school, and a requirement that the successful applicant and the governing body, administrators, and*
74 *other personnel of the public charter school shall have a continuing duty to disclose such interests*
75 *during the term of any charter.*

76 C. (Effective until July 1, 2009) The charter applicant shall include in the proposed agreement the
77 results of any Board of Education review of the public charter school application that may have been
78 conducted as provided in subsection C of § 22.1-212.9.

79 *D. The charter applicant shall include in the proposed agreement the results of any Board of*
80 *Education review of the public charter school application that may have been conducted as provided in*
81 *subsection C of § 22.1-212.9.*

82 § 22.1-212.11. (Effective July 1, 2009) Public charter school restrictions.

83 A. Local school boards may establish public charter schools within the school division ~~and shall be~~
84 ~~authorized to limit the number of schools so established; however, the total number of public charter~~
85 ~~schools, including those designed to increase educational opportunities for at-risk pupils but not~~
86 ~~including any regional public charter schools, shall not exceed ten percent of the school division's total~~
87 ~~number of schools or two public charter schools, whichever is greater.~~ Priority shall be given to public
88 charter school applications designed to increase the educational opportunities of at-risk students, and at
89 least one-half of the public charter schools per division shall be for at-risk students.

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

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

96 **2. That the second enactment of Chapter 530 of the Acts of Assembly of 2004 is amended and**
97 **reenacted as follows:**

98 **2. That the provisions of this act amending and reenacting §§ 22.1-212.5, 22.1-212.6, 22.1-212.8,**
99 **and 22.1-212.11 shall expire on July 1, 2009.**