

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 393

An Act to amend and reenact §§ 22.1-212.9 and 22.1-212.10 of the Code of Virginia, relating to public charter schools.

[S 737]

Approved April 10, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.9 and 22.1-212.10 of the Code of Virginia are amended and reenacted as follows:

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

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

~~Each~~ *The Board of Education and each local school board shall establish procedures for receiving, reviewing, and, in the case of local school boards, ruling upon applications and shall make a copy of any such procedures available to all interested parties upon request. The Board of Education and local school boards shall post their procedures on their websites and make a copy of the 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, *citizens*, and other interested parties and to obtain information to assist local school boards in their decisions to grant *or deny* a public charter school application, local school boards ~~may~~ *shall* establish a procedure for public notice, ~~and to receive comment, or hearings on public charter school applications.~~ *A local school board shall give at least 14 days' notice of its intent to receive public comment on an application.*

C. ~~The~~ *Prior to submission of an application to a local school board for review, the public charter school applicant may shall* submit its proposed charter application to the Board of Education for its review, ~~and comment, and a determination as to whether the application meets the approval criteria developed by the Board.~~ 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 and the Board shall make a determination as to whether the application meets the approval criteria developed by the Board.~~ *Nothing in this section shall prevent a local school division from working with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.*

§ 22.1-212.10. Reconsideration and technical assistance; decision of local board final.

A. *If a local school board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, shall be entitled to petition the local school board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, revoked, or not renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.*

B. *Each local school board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the local school board for such decision.*

C. *Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.*

D. *Upon reconsideration, the* ~~The~~ *decision of a local school board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.*

E. *Nothing in this section shall prohibit an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application, pursuant to § 22.1-212.9.*