

2010 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 1389

Offered February 11, 2010

A *BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1, an article numbered 7, consisting of sections numbered 22.1-253.14 through 22.1-253.24, relating to the college partnership laboratory schools.*

Patrons—Peace, McClellan, Cox, J.A., Dance, Iaquinto, Jones, Keam, Knight, Landes, LeMunyon, Lingamfelter, Lohr, Loupassi, Massie, Miller, J.H., Morrissey, Oder, Pogge, Stolle, Toscano and Villanueva

Introduced at the request of the Governor

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 22.1, an article numbered 7, consisting of sections numbered 22.1-253.14 through 22.1-253.24, as follows:

Article 7.

Establishment of College Partnership Laboratory Schools.

§ 22.1-253.14. *Objectives; definitions.*

A. *In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure; (iv) encourage the use of performance-based educational programs; (v) establish high standards for both teachers and administrators; (vi) encourage greater collaboration between education providers from pre-school to post-secondary, and (vii) develop models for replication in other public schools, 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 non-sectarian private accredited institution of higher education operating in the Commonwealth and operating a teacher education program approved by the Board of Education.*

§ 22.1-253.15. *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 in accordance with the appropriations act, 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 the Fund. 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 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. The Board of Education shall establish criteria for making distributions from the Fund to a college partnership laboratory school requesting moneys from the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

§ 22.1-253.16. *Establishment and operation of college partnership laboratory schools; requirements.*

A. *A 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.*

Enrollment shall be open to any child who is deemed to reside within the Commonwealth of Virginia 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

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57 lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be
58 informed of their student's position on the list.

59 B. A college partnership laboratory school shall be administered and managed by a management
60 committee, composed of parents of students enrolled in the school, teachers and administrators working
61 in the school, and representatives of any community sponsors, in a manner agreed to by the institution
62 of higher education applicant and the Board of Education. Pursuant to a contract and as specified in
63 § 22.1-253.17, a college partnership laboratory school may operate free from state regulations, and, as
64 public schools, shall be subject to the requirements of the Standards of Quality, including the Standards
65 of Learning and the Standards of Accreditation.

66 C. Pursuant to a college partnership laboratory school agreement, a college partnership laboratory
67 school shall be responsible for its own operations, including, but not limited to, such budget
68 preparation, contracts for services, and personnel matters as are specified in the agreement. A college
69 partnership laboratory school may negotiate and contract with a school division, the governing body of
70 a public institution of higher education, or any third party for the use of a school building and grounds,
71 the operation and maintenance thereof, and the provision of any service, activity, or undertaking which
72 the college partnership laboratory school is required to perform in order to carry out the educational
73 program described in its contract. Any services for which a college partnership laboratory school
74 contracts with a school division or institution of higher education shall not exceed the division's or
75 institution's costs to provide such services.

76 E. A college partnership laboratory school shall not charge tuition.

77 F. Approved College Partnership Laboratory Schools shall be designated as a local education
78 agency (LEA), but shall not be defined as a school division for constitutional purposes.

79 G. College partnership laboratory schools are encouraged to develop collaborative partnerships with
80 public school divisions for the purpose of building seamless education opportunities for all Virginia
81 students, from pre-school to post-secondary education.

82 § 22.1-253.17. Contracts for college partnership laboratory schools; release from certain policies and
83 regulations.

84 The contract between the college partnership laboratory school and the Board of Education shall
85 reflect all agreements regarding the release of the college partnership laboratory school from state
86 regulations, consistent with the requirements of subsection B of § 22.1-253.16. If the college partnership
87 laboratory application proposes a program to increase the educational opportunities for at-risk students,
88 the Board of Education may approve an Individual School Accreditation Plan for the evaluation of the
89 performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC
90 20-131-280 C of the Virginia Administrative Code.

91 Any material revision of the terms of the contract may be made only with the approval of the Board
92 of Education and the management committee of the college partnership laboratory school.

93 § 22.1-253.18. College Partnership Laboratory School Application.

94 A. Any institution of higher education operating within the Commonwealth and accredited by the
95 State Council of Higher Education for Virginia and having a teacher education program approved by
96 the Board of Education may submit an application for formation of a college partnership laboratory
97 school.

98 B. Each college partnership laboratory school application shall provide, or describe thoroughly, all
99 of the following essential elements of the proposed school plan:

100 (i) An executive summary;

101 (ii) The mission and vision of the proposed college partnership laboratory school, including
102 identification of the targeted student population;

103 (iii) The location proposed for the school;

104 (iv) The grades to be served each year for the full term of the contract;

105 (v) Minimum, planned, and maximum enrollment per grade per year for the term of the contract;

106 (vi) Evidence of need and support for the college partnership laboratory school;

107 (vii) Background information on the proposed founding management committee members and, if
108 identified, the proposed school leadership and management team;

109 (viii) The school's proposed calendar and sample daily schedule;

110 (ix) A description of the academic program aligned with state standards;

111 (x) A description of the school's educational program, including the type of learning environment
112 (such as classroom-based or independent study), class size and structure, curriculum overview, and
113 teaching methods;

114 (xi) The timeline for meeting state Standards of Learning, and the procedures for taking corrective
115 action in the event that pupil performance at the school falls below such standards;

116 (xii) The school's plan for using internal and external assessments to measure and report student
117 progress in accordance with the Standards of Learning;

118 (xiii) The school's plans for identifying and successfully serving students with disabilities, students

who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations;

(xiv) A description of co-curricular or extracurricular programs and how they will be funded and delivered;

(xv) Plans and timelines for student recruitment and enrollment, including lottery procedures if sufficient space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the college partnership laboratory 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;

(xvi) The school's student discipline policies, including those for special education students;

(xvii) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the management committee, staff, any related bodies (such as advisory bodies or parent and teacher councils), Board of Education, and any external organizations that will play a role in managing the school;

(xviii) A clear description of the roles and responsibilities for the management committee, the school's leadership and management team, and any other entities shown in the organization chart;

(xix) A staffing chart for the school's first year and a staffing plan for the term of the contract;

(xx) Plans for recruiting and developing school leadership and staff;

(xxi) The school's leadership and teacher employment policies, including performance evaluation plans;

(xxii) A plan for the placement of college partnership laboratory school pupils, teachers, and employees upon termination or revocation of the contract.

(xxii) Proposed governing bylaws;

(xxiii) Explanations of any partnerships or contractual relationships central to the school's operations or mission;

(xxiv) The school's plans for providing transportation, food service, and all other significant operational or ancillary services;

(xxv) Opportunities and expectations for parent involvement;

(xxvi) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(xxvii) Description of the school's financial plan and policies, including financial controls and audit requirements;

(xxviii) A description of the insurance coverage the school will obtain;

(xxix) Start-up and five-year budgets with clearly stated assumptions;

(xxx) Start-up and first-year cash-flow projections with clearly stated assumptions;

(xxxi) Evidence of anticipated fundraising contributions, if claimed in the application; and,

(xxxii) A sound facilities plan, including backup or contingency plans if appropriate.

(xxxiii) Assurances that the college partnership laboratory school is (a) nonreligious in its programs, admission policies, employment practices, and all other operations and (b) does not charge tuition.

The purposes of the college partnership laboratory school application are to present the proposed school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans, and provide the authorizer a clear basis for assessing the applicant's plans and capacities. An approved college partnership laboratory school application shall not serve as the school's contract. Within 90 days of approval of a college partnership laboratory school application, the Board of Education and the management committee of the approved school shall execute a contract that clearly sets forth the academic and operational performance expectations and measures by which the college partnership laboratory school will be judged and the administrative relationship between the Board of Education and the college partnership laboratory school, including each party's rights and duties. The performance expectations and measures set forth in the contract shall include but need not be limited to applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the college partnership laboratory school is operating and has collected baseline achievement data for its enrolled students.

§ 22.1-253.19. Review of college partnership laboratory school applications.

A. 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 the board finds the application is incomplete, the board shall request the necessary information from the applicant. The Board of Education's review procedures shall establish a review committee that may include experts 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 the Board of Education in its decisions to grant a college partnership laboratory school application, the Board of Education may establish a procedure for public

180 notice, comment, or hearings on such applications.

181 § 22.1-253.20. Decision of the Board of Education final.

182 The decision of the Board of Education to grant or deny a college partnership laboratory school
183 application or to revoke or fail to renew an agreement shall be final and not subject to appeal.

184 § 22.1-253.21. College partnership laboratory school terms; renewals and revocations.

185 A. A college partnership laboratory school may be approved or renewed for a period not to exceed
186 five school years. A college partnership laboratory school renewal application submitted to the Board of
187 Education, shall contain:

188 1. A report on the progress of the school in achieving the goals, objectives, program and
189 performance standards for students, and such other conditions and terms as the Board of Education may
190 require upon granting initial approval of the college partnership laboratory school application.

191 2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration,
192 instruction, and other spending categories for the school and that has been concisely and clearly written
193 to enable the Board of Education and the public to compare such costs to those of other schools or
194 comparable organizations.

195 B. The Board of Education may revoke a contract if the college partnership laboratory school did
196 any of the following or otherwise failed to comply with the provisions of this Act:

197 1. Commits a material and substantial violation of any of the terms, conditions, standards or
198 procedures required under this Act or the contract;

199 2. Fails to meet or make sufficient progress toward the performance expectations set forth in the
200 contract;

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

202 4. Substantially violates any material provision of law from which the college partnership laboratory
203 school was not exempted.

204 C. If the Board of Education revokes or does not renew a college partnership laboratory school, it
205 shall clearly state, in a resolution, the reasons for the revocation or nonrenewal.

206 § 22.1-253.22. Employment of professional, licensed personnel.

207 A. College partnership laboratory school personnel shall be employees of the college partnership
208 laboratory school or of the institution of higher education sponsoring the school.

209 B. Teachers working in a college partnership laboratory school shall meet the same requirements as
210 other public school teachers and comply with the provisions of §§ 22.1-298.1, 22.1-299, and 22.1-303 or
211 in the case of an instructor in the higher education institution's Board-approved teacher education
212 program be eligible to hold a Virginia teaching license.

213 C. Professional, licensed personnel of a college partnership laboratory school shall be granted the
214 same employment benefits given to professional, licensed personnel in public schools in accordance with
215 the agreement between the college laboratory school and the Board of Education.

216 § 22.1-253.23. Funding of college partnership laboratory schools.

217 A. Each college partnership laboratory school shall receive the proportionate amount of state funds,
218 including state retail sales and use tax distributions, for students enrolled in such schools that are
219 allocated for such students if they attend the public schools of the school division in which they reside.

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

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

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

233 E. Any educational and related fees collected from students enrolled at a college partnership
234 laboratory school shall comply with Board of Education regulations and shall be credited to the account
235 of such school.

236 F. Each college partnership laboratory school shall be eligible to apply for and receive available
237 funds from the College Partnership Laboratory School Fund, the sponsoring institution of higher
238 education, or other funds as may be appropriated by the General Assembly in accordance with the
239 appropriations act.

240 § 22.1-253.24. Immunity.

241 College partnership laboratory schools shall be immune from liability to the same extent as all other

242 *public schools in the Commonwealth, and the employees and volunteers in a college partnership*
243 *laboratory school are immune from liability to the same extent as the employees and volunteers in a*
244 *public school.*