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HOUSE BILL NO. 1389**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on March 3, 2010)

(Patron Prior to Substitute—Delegate Peace)

A *BILL to amend the Code of Virginia by adding in Title 23 a chapter numbered 26, consisting of sections numbered 23-299 through 23-299.10, relating to college partnership laboratory schools.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 26, consisting of sections numbered 23-299 through 23-299.10, as follows:

*Chapter 26.**Establishment of College Partnership Laboratory Schools.**§ 23-299. Objectives; definitions.*

A. *In order to (i) stimulate the development of innovative programs for preschool through grade 12 students; (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 preschool to the postsecondary level; 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 institution of higher education that operates a teacher education program approved by the Board of Education.

"Governing board" means the board of a college partnership laboratory school that is party to the contract with the Board of Education, with the responsibility of creating, managing, and operating the college partnership laboratory school, and whose members have been selected by the institution of higher education establishing the college partnership laboratory school. The governing board shall be under the control of the institution of higher education establishing the college partnership laboratory school.

§ 23-299.1. 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 in accordance with the appropriation 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 education programs for preschool through grade 12 students by providing opportunities for innovative instruction and greater cooperation and coordination between institutions of higher education and preschool through grade 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.

§ 23-299.2. 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.

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

60 informed of their student's position on the list.

61 B. A college partnership laboratory school shall be administered and managed by a governing
62 board. Pursuant to a contract and as specified in § 22.1-243.4, a college partnership laboratory school
63 shall be subject to the requirements of the Standards of Quality, including the Standards of Learning
64 and the Standards of Accreditation, and such regulations as determined by the Board of Education.

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

75 D. A college partnership laboratory school shall not charge tuition.

76 E. An approved college partnership laboratory school shall be designated as a local education
77 agency, but shall not constitute a school division.

78 F. College partnership laboratory schools are encouraged to develop collaborative partnerships with
79 public school divisions for the purpose of building seamless education opportunities for all Virginia
80 students, from preschool to postsecondary education.

81 § 23-299.3. Contracts for college partnership laboratory schools; release from certain policies and
82 regulations.

83 The contract between the college partnership laboratory school and the Board of Education shall
84 reflect all agreements regarding the release of the college partnership laboratory school from state
85 regulations, consistent with the requirements of subsection B of § 22.1-243.3. If the college partnership
86 laboratory school application proposes a program to increase the educational opportunities for at-risk
87 students, the Board of Education may approve an Individual School Accreditation Plan for the
88 evaluation of the performance of the school.

89 Any material revision of the terms of the contract may be made only with the approval of the Board
90 of Education and the governing board of the college partnership laboratory school.

91 § 23-299.4. College partnership laboratory school application.

92 A. Any public institution of higher education operating within the Commonwealth and having a
93 teacher education program approved by the Board of Education may submit an application for
94 formation of a college partnership laboratory school.

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

97 1. An executive summary;

98 2. The mission and vision of the proposed college partnership laboratory school, including
99 identification of the targeted student population;

100 3. The proposed location of the school;

101 4. The grades to be served each year for the full term of the contract;

102 5. Minimum, planned, and maximum enrollment per grade per year for the term of the contract;

103 6. Background information on the proposed founding governing board members and, if identified, the
104 proposed school leadership and management team;

105 7. The school's proposed calendar and sample daily schedule;

106 8. A description of the academic program aligned with state standards;

107 9. A description of the school's educational program, including the type of learning environment
108 (such as classroom-based or independent study), class size and structure, curriculum overview, and
109 teaching methods;

110 10. The school's plan for using internal and external assessments to measure and report student
111 progress in accordance with the Standards of Learning;

112 11. The school's plans for identifying and successfully serving students with disabilities, students who
113 are English language learners, students who are academically behind, and gifted students, including but
114 not limited to compliance with applicable laws and regulations;

115 12. A description of co-curricular and extracurricular programs and how they will be funded and
116 delivered;

117 13. Plans and timelines for student recruitment and enrollment, including lottery procedures if
118 sufficient space is unavailable;

119 14. The school's student disciplinary policies, including those for special education students;

120 15. An organization chart that clearly presents the school's organizational structure, including lines
121 of authority and reporting between the governing board, 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;

16. A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

17. A staffing chart for the school's first year and a staffing plan for the term of the contract;

18. Plans for recruiting and developing school leadership and staff;

19. The school's leadership and teacher employment policies, including performance evaluation plans;

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

21. Explanation of any partnerships or contractual relationships central to the school's operations or mission;

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

23. Opportunities and expectations for parent involvement;

24. A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

25. Description of the school's financial plan and policies, including financial controls and audit requirements;

26. A description of the insurance coverage the school will obtain;

27. Start-up and five-year budgets with clearly stated assumptions;

28. Start-up and first-year cash-flow projections with clearly stated assumptions;

29. Evidence of anticipated fundraising contributions, if claimed in the application;

30. A sound facilities plan, including backup or contingency plans if appropriate; and

31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) 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 Board of Education 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 governing board 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.

§ 23-299.5. 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 evaluation of a college partnership laboratory school application, the Board of Education may establish a procedure for public notice, comment, or hearings on such applications.

§ 23-299.6. Decision of the Board of Education final.

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

§ 23-299.7. College partnership laboratory school terms; renewals and revocations.

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

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

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

183 comparable organizations.

184 B. The Board of Education may revoke a contract if the college partnership laboratory school does
185 any of the following or otherwise fails to comply with the provisions of this article:

186 1. Commits a material and substantial violation of any of the terms, conditions, standards, or
187 procedures required under this article or the contract;

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

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

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

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

195 § 23-299.8. Employment of professional, licensed personnel.

196 A. College partnership laboratory school personnel shall be employees of the institution of higher
197 education establishing the school.

198 B. Teachers working in a college partnership laboratory school shall hold a license issued by the
199 Board of Education or, in the case of an instructor in the higher education institution's Board-approved
200 teacher education program, be eligible to hold a Virginia teaching license. Teachers working in a
201 college partnership laboratory school shall be subject to the requirements of §§ 22.1-296.1 and
202 22.1-296.2 applicable to teachers employed by a local school board.

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

206 § 23-299.9. Funding of college partnership laboratory schools.

207 A. Each college partnership laboratory school shall receive such funds as may be appropriated by
208 the General Assembly in accordance with the appropriation act.

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

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

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

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

224 F. Each college partnership laboratory school shall be eligible to apply for and receive available
225 funds from the College Partnership Laboratory School Fund and the establishing institution of higher
226 education.

227 § 23-299.10. Immunity.

228 A college partnership laboratory school shall be immune from liability to the same extent as the
229 public institution of higher education that established the school, and the employees and volunteers in a
230 college partnership laboratory school are immune from liability to the same extent as the employees of
231 the establishing institution of higher education.