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HOUSE BILL NO. 1119

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact §§ 22.1-212.9 and 22.1-212.10 of the Code of Virginia, relating to approval of public charter school applications.

Patron—Marshall, R.G.

Referred to Committee on Education

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 local school boards or, in the case of a regional public charter school, by all of the relevant school boards.

Each local school board 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.

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

C. 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~~ *and the Board may submit a recommendation to the local school board as to the approval of the application.*

§ 22.1-212.10. Decision of local board final; reasons for denial; withholding of funds.

A. 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.

B. Whenever 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, in writing, its reasons for such denial, revocation, or failure to renew.

C. Whenever a local school board denies a public charter school application that had been previously reviewed by the Board, and which the Board has recommended for approval by the local school board, the Board shall notify the Comptroller, whereupon the Comptroller shall withhold from such local school division the payment of a portion of its share of the funding for the Standards of Quality. The portion of funds to be withheld shall be based upon the average daily membership for the number of students to be served by the proposed charter school, according to the charter school application. Such funds shall continue to be withheld until the local school board approves the previously denied public charter school application.