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SENATE BILL NO. 475

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 9, 2012)

(Patron Prior to Substitute—Senator Locke)

A *BILL to amend and reenact §§ 23-299, 23-299.2, 23-299.4, and 23-299.9 of the Code of Virginia, relating to college partnership laboratory schools.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-299, 23-299.2, 23-299.4, and 23-299.9 of the Code of Virginia are amended and reenacted as follows:

§ 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 chapter.

B. As used in this chapter:

"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 private* 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.

§ 23-299.2. 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 informed of their student's position on the list.

B. A college partnership laboratory school shall be administered and managed by a governing board. Pursuant to a contract and as specified in § 23-299.3, a college partnership laboratory school shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and such regulations as determined by the Board of Education.

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

D. A college partnership laboratory school shall not charge tuition *for courses required for high school graduation. However, tuition may be charged for courses for which the student receives college credit and for enrichment courses that are not required to earn a Board of Education approved high school diploma.*

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

62 F. College partnership laboratory schools are encouraged to develop collaborative partnerships with
63 public school divisions for the purpose of building seamless education opportunities for all Virginia
64 students, from preschool to postsecondary education. *An educational program provided to students*
65 *enrolled in a public school division pursuant to a collaborative partnership between the college*
66 *partnership laboratory school and the public school division shall be considered to be the educational*
67 *program of the public school division for purposes of the Standards of Accreditation.*

68 § 23-299.4. College partnership laboratory school application.

69 A. Any public or private institution of higher education operating within the Commonwealth and
70 having a teacher education program approved by the Board of Education may submit an application for
71 formation of a college partnership laboratory school.

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

74 1. An executive summary;

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

77 3. The proposed location of the school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 23. Opportunities and expectations for parent involvement;

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

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

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

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

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

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

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

121 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, except as described in subsection D of § 23-299.2.

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.

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

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

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

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

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

E. Any *tuition, room and board, and any other* educational and related fees collected from students enrolled at a college partnership laboratory school shall comply with Board of Education regulations and shall be credited to the account of such school.

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