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HOUSE BILL NO. 1808

Offered January 9, 2013
Prefiled January 8, 2013

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.2:1, consisting of sections numbered 22.1-212.16:1 through 22.1-212.16:5, relating to the Virginia Public School Improvement Program.

Patron—McQuinn

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 1.2:1, consisting of sections numbered 22.1-212.16:1 through 22.1-212.16:5, as follows:

Article 1.2:1.

Virginia Public School Improvement Program.

§ 22.1-212.16:1. Virginia Public School Improvement Program; purpose; criteria.

A. There is hereby established the Virginia Public School Improvement Program (the "Program") to: (i) stimulate maximum development of state-of-the-art programs in public education and creative school reform initiatives, including personalized instruction; (ii) consider opportunities for alternative instructional methods and novel student assessment and school accountability; (iii) provide opportunities for innovative instruction and assessment; (iv) increase the use of technology in education and academic assessment; (v) accelerate student learning and achievement, particularly to provide for the educational needs of academically low-performing students; (vi) close the academic achievement gap between minority and non-minority students; (vii) facilitate the employment of master teachers and highly experienced administrators; (viii) utilize research-based best practices and educational innovations in curricula, classroom instruction, and management; (ix) promote family and community involvement in the education of the students; (x) provide alternative and innovative instruction, school scheduling, management, and structure; (xi) establish educational excellence as a benchmark; (xii) achieve cost efficiencies; (xiii) streamline and simplify certain regulatory requirements; and (xiv) provide parents and students more educational options within their school divisions.

B. Local school boards may designate or approve for participation in the Program any public school within its school division (i) that has not applied for, converted to, or received permission from the local school board to operate as a public charter school, pursuant to § 22.1-212.5, or (ii) where a majority of parents and teachers of students at the school have petitioned the school board to participate in the Program, or (iii) in which the school board has determined that, notwithstanding having satisfied the requirements of the Standards of Learning and Standards of Accreditation, less than 81 percent of the students enrolled in a public school within the school division have failed to demonstrate proficiency in reading and less than 79 percent of the students enrolled have failed to demonstrate proficiency in mathematics for three consecutive school years.

§ 22.1-212.16:2. Funding of Program.

A local school board that elects to designate or approve public schools within its school division for participation in the Program shall continue to receive its proportion of state basic school aid without reduction or proration of costs for educational and support programs offered by the school division.

§ 22.1-212.16:3. Local authority; exemption from regulatory requirements; rescindment of designation or approval.

A. Pursuant to the provisions of this article and constitutional principles, local school boards shall maintain and exercise authority over public schools within the school division that have been designated or approved by the school board to participate in the Program.

B. Public schools participating in the Program shall operate free from specified school division policies and state regulations as determined and agreed to by the public school and local school board; however, such public schools shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and applicable federal laws and regulations prohibiting racial, ethnic, and gender discrimination, and governing special education and equity programs, and disclosure of scholastic records and other personal identifiable information.

C. The local school board shall execute a contract with the public schools designated or approved to participate in the Program that shall reflect all agreements regarding the release of the public school from school division policies and from state regulations, consistent with the requirements of this section. The local school board, on behalf of the public school, shall request the release from state regulations

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from the Board of Education.

D. The local school board may rescind the designation or approval of a public school's participation in the Program if (i) the public school makes application to operate as a charter school, pursuant to § 22.1-212.5, or (ii) a majority of teachers and parents of students at the school petition the school board to rescind the school's participation in the Program, or (iii) the school board determines that, in addition to satisfying the requirements of the Standards of Learning and Standards of Accreditation, 95 percent or more of the students enrolled in a public school participating in the Program have demonstrated proficiency in reading and read and comprehend at or above grade level and have demonstrated proficiency in mathematics at or above grade level for three consecutive school years. The school board may also rescind the designation or approval of a school's participation in the Program if the public school violates the terms of the contract, pursuant to this section, or if 50 percent or more of the students enrolled in a participating public school fail to achieve satisfactory academic progress toward the school's stated academic goals each school year for two consecutive school years.

§ 22.1-212.16:4. Annual reporting requirements.

Local school boards shall report annually the designation or approval of public schools participating in the Program to the Board of Education, as may be determined by the Board. Such report shall specify, among other things, the purpose of the designation or approval, the number of participating schools, the student census and teacher-student ratio, a detailed description of the academic program offered by each participating public school, and the academic progress achieved and other accomplishments of the public school while a participant in the Program.

§ 22.1-212.16:5. Board of Education guidelines.

To facilitate statewide uniformity of the Program, the Board of Education shall establish guidelines to assist local school boards in the implementation of the Program and shall provide technical assistance to local school boards as may be requested.