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SENATE BILL NO. 934

Offered January 9, 2013

Prefiled January 7, 2013

A *BILL to amend and reenact §§ 22.1-212.8 and 22.1-212.13 of the Code of Virginia, relating to charter schools.*

Patron—Obenshain

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.8 and 22.1-212.13 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.

3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.

4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.

5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.

6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter 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 in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.

7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.

8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

9. A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.

10. An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees *and whether or not the employees will participate in the Virginia Retirement System.*

11. An agreement between the parties regarding their respective legal liability and applicable insurance coverage.

12. A description of how the public charter school plans to meet the transportation needs of its pupils.

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59 13. Assurances that the public charter school (i) is nonreligious in its programs, admission policies,
60 employment practices, and all other operations and (ii) does not charge tuition.

61 14. In the case of a residential charter school for at-risk students, a description of (i) the residential
62 program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding
63 sources for the residential and other services provided; and (iv) any counseling or other social services
64 to be provided and their coordination with any current state or local initiatives.

65 15. [Expired.]

66 16. Disclosure of any ownership or financial interest in the public charter school, by the charter
67 applicant and the governing body, administrators, and other personnel of the proposed public charter
68 school, and a requirement that the successful applicant and the governing body, administrators, and other
69 personnel of the public charter school shall have a continuing duty to disclose such interests during the
70 term of any charter.

71 C. [Expired.]

72 D. The charter applicant shall include in the proposed agreement the results of any Board of
73 Education review of the public charter school application that may have been conducted as provided in
74 subsection C of § 22.1-212.9.

75 **§ 22.1-212.13. Employment of professional, licensed personnel.**

76 A. At the discretion of the local school board, charter school personnel may be employees of the
77 local school board, or boards, granting the charter. Any personnel not employed by the local school
78 board shall remain subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

79 B. Professional, licensed education personnel may volunteer for assignment to a public charter
80 school. Assignment in a public charter school shall be for one contract year. Upon request of the
81 employee and the recommendation of the management committee of the public charter school,
82 reassignment to the public charter school shall occur on an annual basis.

83 C. At the completion of each contract year, professional, licensed education personnel who request
84 assignment to a public noncharter school in the relevant school division or who are not recommended
85 for reassignment in the public charter school, other than for the grounds cited in § 22.1-307, shall be
86 guaranteed an involuntary transfer to a public noncharter school in the school division according to the
87 employment policies of the school division.

88 D. Professional, licensed personnel of a public charter school shall be granted the same employment
89 benefits given to professional, licensed personnel in public noncharter schools in accordance with the
90 policies of the relevant school board or boards.

91 E. Nothing in this section shall be construed to restrict the authority of the local school board to
92 assign professional, licensed personnel to a public charter school or any other public school as provided
93 in §§ 22.1-293 and 22.1-295.

94 F. *Notwithstanding the provisions of this section, the charter application may specify whether or not*
95 *professional, licensed personnel shall participate in the Virginia Retirement System, regardless of*
96 *whether the school division as a whole participates.*

97 G. *Notwithstanding the provisions of this title, at least 75 percent of the public charter elementary*
98 *school teachers in each charter school shall be licensed, at least 50 percent of public charter middle*
99 *and secondary teachers in each charter school shall be licensed, and all teachers shall otherwise be*
100 *"highly qualified," as that term is defined by the federal Elementary and Secondary Education Act, P.L.*
101 *89-10, as amended.*

102 H. School boards may employ such health, mental health, social services, and other related personnel
103 to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between
104 such school board and the charter school; however, nothing herein shall require a school board to fund
105 the residential or other services provided by a residential charter school.

106 **2. That the Board of Trustees of the Virginia Retirement System shall develop procedures that**
107 **allow a local school board that participates in the Virginia Retirement System and has approved a**
108 **charter school application that designates the employees of such charter school will not participate**
109 **in the Virginia Retirement System to exempt such employees from participation.**