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SENATE BILL NO. 1370

Offered January 20, 2015

A *BILL to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 25, consisting of sections numbered 22.1-362 through 22.1-370, relating to Richmond City Public Schools Learning Excellence by Aligning Public Schools Commission; established.*

Patron—Watkins

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 25, consisting of sections numbered 22.1-362 through 22.1-370, as follows:

*CHAPTER 25.**RICHMOND CITY PUBLIC SCHOOLS LEARNING EXCELLENCE BY ALIGNING PUBLIC SCHOOLS COMMISSION.*

§ 22.1-362. Richmond City Public Schools Learning Excellence by Aligning Public Schools Commission established; membership.

A. *The Richmond City Public Schools Learning Excellence by Aligning Public Schools Commission (the Commission) is hereby established as a political subdivision of the Commonwealth, with such powers as are set forth in this chapter.*

B. *The Commission shall consist of seven members. Two members shall be appointed by the Richmond City School Board, two members shall be appointed by the Richmond City Council, two members shall be appointed by the Mayor of Richmond, and one member, who shall serve as chairman, shall be elected by the appointed members. The Commission shall elect a vice-chairman from among its members. Members shall be appointed for terms of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.*

C. *Commission members shall be appointed based on their recognized qualifications in the fields of public education, education administration, or facilities management. The Commission chairman shall be nominated and elected based on his recognized qualifications in the fields of public education or education administration. No residency requirements shall be imposed on the members. No Commission member, including the chairman, shall be a current employee of the City of Richmond, the Richmond City School Board, or any authority or subdivision thereof.*

D. *Members of the Commission, including the chairman, shall serve without compensation. Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Commission. All such expenses shall be paid from existing appropriations to or received by the Commission or, if the Commission is unfunded, by the Richmond City School Board.*

E. *A majority of the members shall constitute a quorum. The Commission shall meet at the call of the chairman or whenever a majority of the members so request.*

§ 22.1-363. Functions and duties.

The Commission shall perform the following functions and duties:

1. *Establish standards for the evaluation of the facilities of Richmond City Public Schools, including population, suitability, and physical condition. Such standards shall be consistent with § 22.1-138 and relevant Board regulations;*

2. *Review the policies, procedures, and performance of Richmond City Public Schools to the extent necessary to carry out the Commission's evaluation of the facilities of Richmond City Public Schools;*

3. *Review and evaluate existing reports and recommendations on the facilities of Richmond City Public Schools;*

4. *Evaluate the facilities of Richmond City Public Schools against the standards adopted by the Commission;*

5. *Provide quarterly interim progress reports to the Richmond City School Board, the Richmond City Council, and the Mayor of Richmond or more frequently if the Commission deems necessary; and*

6. *Provide a final report to the Richmond City School Board, the Richmond City Council, and the Mayor of Richmond no later than December 1, 2016, that shall include short-term, medium-term, and long-term recommendations for school facility efficiencies, utilization, upgrades, and any other items as the Commission may deem necessary to improve the effectiveness, efficiency, and academic performance of Richmond City Public Schools.*

§ 22.1-364. Public hearings and public information program required.

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59 *In carrying out its functions and duties, the Commission shall:*

60 *1. Undertake a program to provide the public with accurate and timely information regarding the*
61 *Commission's activities;*

62 *2. Undertake at least one site visit to each school facility owned, operated, or proposed to be owned*
63 *or operated by Richmond City Public Schools; and*

64 *3. Conduct at least one public hearing devoted to each school facility owned, operated, or proposed*
65 *to be owned or operated by Richmond City Public Schools. Such public hearing shall be conducted*
66 *either at the facility in question or, if impractical, at a site located nearby and convenient for the*
67 *public.*

68 **§ 22.1-365. Executive director; staff support; location.**

69 *A. From such funds as may be appropriated or received, the Commission may appoint an executive*
70 *director, who may employ an administrative assistant. The Commission may determine the duties of such*
71 *executive director and administrative assistant and shall fix salaries and compensation from such funds*
72 *as may be appropriated or received.*

73 *B. Additional staff shall be provided by Richmond City Public Schools and the City of Richmond as*
74 *necessary to enable the Commission to perform its duties as set forth in this chapter. Any such staff*
75 *shall report to the executive director.*

76 *C. The Commission's offices shall be housed in Richmond City Hall or such other facility as may be*
77 *made available.*

78 **§ 22.1-366. Application for and acceptance of gifts and grants.**

79 *The Commission may apply for, accept, and expend gifts, grants, or donations from public or private*
80 *sources to enable it to carry out its objectives.*

81 **§ 22.1-367. Cooperation of departments and divisions.**

82 *All departments and divisions of the City of Richmond and the Richmond City School Board shall*
83 *cooperate with the Commission and provide assistance, upon request.*

84 **§ 22.1-368. Annual audits.**

85 *The Commission shall be audited annually, and a report of such audit shall be provided to the*
86 *Richmond City School Board, the Richmond City Council, and the Mayor of Richmond. Such audit may*
87 *be conducted by either an independent auditor contracted by the Commission or the Richmond City*
88 *Auditor.*

89 **§ 22.1-369. Richmond City Public Schools Learning Excellence by Aligning Public Schools Trust**
90 **created.**

91 *A. The City of Richmond shall create the Richmond City Public Schools Learning Excellence by*
92 *Aligning Public Schools Trust (the Trust) for the purpose of funding the recommendations of the*
93 *Commission.*

94 *B. The Trust shall be administered by the City of Richmond subject to detailed policies and*
95 *procedures approved by both the Richmond City Council and the Richmond City School Board.*
96 *Expenditures from the Trust shall be made only by appropriation by the Richmond City Council.*

97 *C. Funding of the Trust shall occur only if the recommendations of the Commission are adopted by*
98 *the Richmond City School Board.*

99 *D. Assets transferred to the Trust may include surplus real property, surplus property, cash, cash*
100 *equivalents, or any other type of financial asset.*

101 *E. Donations, grants, and other governmental and nongovernmental funds shall be deposited to the*
102 *Trust with approval of the Richmond City Council.*

103 *F. Title to any real property identified as surplus in the Commission's final report, or the net cash*
104 *derived from the sale thereof, shall be transferred to the Trust upon adoption of the report by the*
105 *Richmond City School Board. The net earnings generated by such property, if any, shall be retained by*
106 *the Trust.*

107 *G. From such funds as shall be appropriated by the Richmond City Council, real property*
108 *transferred to the Trust shall be maintained by the Trust.*

109 *H. In cooperation with the City of Richmond, the Trust shall endeavor to dispose of real property*
110 *transferred to it through sale, lease, redevelopment, or reuse. In doing so, the Trust shall discharge its*
111 *duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a*
112 *prudent person acting in a like capacity and familiar with such matters would use in the conduct of an*
113 *enterprise of a like character and with like aims.*

114 *I. The Richmond City Council may appropriate such additional funds to the Trust as it deems*
115 *appropriate.*

116 *J. Assets of the Trust shall not revert to the City of Richmond or the Richmond City School Board*
117 *but shall be carried forward on the books of the Trust. However, upon dissolution of the Trust, assets of*
118 *the Trust shall revert to the Richmond City School Board.*

119 *K. Assets of the Trust shall be used only to implement the recommendations of the Richmond City*
120 *Public Schools Learning Excellence by Aligning Public Schools Commission.*

121 *L. Monthly reports on the assets and expenditures of the Trust shall be provided to the Richmond*
122 *City School Board, the Richmond City Council, and the Mayor of Richmond.*
123 *M. The Trust shall be audited annually, and a report shall be provided to the Richmond City School*
124 *Board, the Richmond City Council, and the Mayor of Richmond.*
125 *N. The City of Richmond shall dissolve the Trust upon a majority vote of both the Richmond City*
126 *Council and the Richmond City School Board.*
127 **§ 22.1-370. Sunset.**
128 *A. The Commission created in this chapter shall expire on July 1, 2017.*
129 *B. The Trust created in § 22.1-369 shall expire on July 1, 2017, unless (i) the report of the*
130 *Commission is adopted by the Richmond City School Board and (ii) initial asset transfers are made to*
131 *the Trust by July 1, 2017.*