

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.8, and 22.1-212.13 of the Code of*
 3 *Virginia and to amend the Code of Virginia by adding a section numbered 22.1-212.6:1, relating to*
 4 *public charter schools.*

[S 734]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 22.1-212.6, 22.1-212.7, 22.1-212.8, and 22.1-212.13 of the Code of Virginia are amended**
 9 **and reenacted and that the Code of Virginia is amended by adding a section numbered**
 10 **22.1-212.6:1 as follows:**

11 **§ 22.1-212.6. Establishment and operation of public charter schools; requirements.**

12 A. A public charter school shall be subject to all federal and state laws and regulations and
 13 constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender,
 14 national origin, religion, ancestry, or need for special education services and shall be subject to any
 15 court-ordered desegregation plan in effect for the school division or, in the case of a regional public
 16 charter school, any court-ordered desegregation plan in effect for relevant school divisions.

17 Enrollment in a public charter school shall be open to any child who is deemed to reside within the
 18 relevant school division or, in the case of a regional public charter school, within any of the relevant
 19 school divisions, as set forth in § 22.1-3, through a lottery process on a space-available basis, except that
 20 in the case of the conversion of an existing public school, students who attend the school and the
 21 siblings of such students shall be given the opportunity to enroll in advance of the lottery process. A
 22 waiting list shall be established if adequate space is not available to accommodate all students whose
 23 parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized
 24 through a lottery process and parents shall be informed of their student's position on the list.

25 B. A public charter school shall be administered and managed by a management committee,
 26 composed of parents of students enrolled in the school, teachers and administrators working in the
 27 school, and representatives of any community sponsors, in a manner agreed to by the public charter
 28 school applicant and the local school board. Pursuant to a charter contract and as specified in §
 29 ~~22.1-212.7~~, a public charter school may operate free from specified school division policies and state
 30 regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality,
 31 including the Standards of Learning and the Standards of Accreditation.

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

40 D. As negotiated by contract, the local school board or the relevant school boards, in the case of
 41 regional public charter schools, may allow a public charter school to use vacant or unused properties or
 42 real estate owned by the school board. In no event shall a public charter school be required to pay rent
 43 for space which is deemed available, as negotiated by contract, in school division facilities. All other
 44 costs for the operation and maintenance of the facilities used by the public charter school shall be
 45 subject to negotiation between the public charter school and the school division or, in the case of a
 46 regional public charter school, between the regional public charter school and the relevant school
 47 divisions.

48 E. A public charter school shall not charge tuition.

49 **§ 22.1-212.6:1. Applicability of other laws, regulations, policies, and procedures.**

50 A. Public charter schools are subject to all federal laws and authorities as set forth in this article
 51 and the charter contract with the local school board.

52 B. Public charter schools are subject to the same civil rights, health, and safety requirements
 53 applicable to other public schools in the Commonwealth, except as otherwise provided in this article.

54 C. Public charter schools are subject to the student assessment and accountability requirements
 55 applicable to other public schools in the Commonwealth, but nothing in this article precludes a public
 56 charter school from establishing additional student assessment measures that go beyond state

57 requirements if the school's authorizer approves such measures.

58 D. Management committees of public charter schools are subject to and shall comply with the
59 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

60 E. No public charter school shall discriminate against any individual on the basis of disability, race,
61 creed, color, gender, national origin, religion, ancestry, or need for special education services or any
62 other unlawful basis and shall be subject to any court-ordered desegregation plan in effect for the
63 school division.

64 F. No public charter school shall discriminate against any student on the basis of limited proficiency
65 in English, and each public charter school shall provide students who have limited proficiency in
66 English with appropriate services designed to teach such students English and the general curriculum,
67 consistent with federal civil rights laws.

68 G. No public charter school shall engage in any sectarian practices in its educational program,
69 admissions or employment policies, or operations.

70 **§ 22.1-212.7. Contracts for public charter schools.**

71 An approved charter application shall constitute an agreement, and its terms shall be the terms of a
72 contract between the public charter school and the local school board or, in the case of a regional public
73 charter school, between the regional public charter school and the relevant school boards. The contract
74 between the public charter school and the local school board or relevant school boards shall reflect all
75 agreements regarding the release of the public charter school from school division policies. Such
76 contract between the public charter school and the local school board or relevant school boards shall
77 reflect all requests for release of the public charter school from state regulations, consistent with the
78 requirements of subsection B of § 22.1-212.6. The local school board or relevant school boards, on
79 behalf of the public charter school, shall request such releases from the Board of Education. In addition
80 to any such releases granted by the Board, all purchases made by a public charter school shall be
81 exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.), unless otherwise negotiated by
82 contract.

83 A. Within 90 days of approval of a charter application, the local school board and the management
84 committee of the approved public charter school shall execute a charter contract that clearly sets forth
85 (i) the academic and operational performance expectations and measures by which the public charter
86 school will be judged and (ii) the administrative relationship between the local school board and public
87 charter school, including each party's rights and duties. Such 90-day period may be extended by a
88 period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and
89 measures shall include applicable federal and state accountability requirements and may be refined or
90 amended by mutual agreement after the public charter school has collected baseline achievement data
91 for its enrolled students.

92 B. The academic and operational performance expectations and measures in the charter contract
93 shall be based on a performance framework that clearly sets forth the academic and operational
94 performance indicators, measures, and metrics that will guide the local school board's evaluations of
95 each public charter school. The performance framework shall include indicators, measures, and metrics
96 for:

- 97 1. Student academic proficiency;
- 98 2. Student academic growth;
- 99 3. Achievement gaps in both proficiency and growth between the major student subgroups based on
100 gender, race, poverty status, special education status, English language learner status, and gifted status;
- 101 4. Attendance;
- 102 5. Recurrent annual enrollment;
- 103 6. Postsecondary education readiness of high school students;
- 104 7. Financial performance and sustainability; and
- 105 8. The performance and stewardship of the management committee, including compliance with all
106 applicable laws, regulations, and terms of the charter contract.

107 C. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable
108 indicators proposed by a public charter school to augment external evaluations of its performance,
109 provided that the local school board approves the quality and rigor of such indicators and such
110 indicators are consistent with the purposes of this article.

111 D. The performance framework shall require the disaggregation of all student performance data by
112 major student subgroups based on gender, race, poverty status, special education status, English
113 language learner status, and gifted status.

114 E. Annual performance targets shall be set by each public charter school and the local school board
115 and shall be designed to help each school meet applicable federal, state, and local school board
116 expectations.

117 F. The charter contract shall be signed by the chairman of the local school board and the president

or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

G. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.

H. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board of Education approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.

I. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.

§ 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~~ An executive summary.

2. A mission statement of the public charter school that ~~must be~~ is consistent with the principles of the Standards of Quality, including identification of the targeted academic program of study.

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, including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. 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.

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

179 pupils.

180 ~~13.~~ 4. The location or geographic area proposed for the public charter school.

181 5. The grades to be served each year for the full term of the charter contract.

182 6. Minimum, planned, and maximum enrollment per grade level per year for the term of the charter
183 contract.

184 7. Evidence of need and community support for the proposed public charter school.

185 8. Background information on the proposed founding management committee members and, if
186 identified, the proposed public charter school leadership and management team.

187 9. The public charter school's proposed calendar and a sample daily schedule.

188 10. A description of the academic program that is aligned with the Standards of Learning.

189 11. A description of the public charter school's instructional design, including the type of learning
190 environment, such as classroom-based or independent study; class size and structure; curriculum
191 overview; and teaching methods.

192 12. The public charter school's plans for identifying and successfully serving students with
193 disabilities, students who are English language learners, students who lag behind academically, and
194 gifted students, including compliance with applicable laws and regulations.

195 13. A description of cocurricular or extracurricular programs and how such programs will be funded
196 and delivered.

197 14. Plans and timelines for student recruitment and enrollment, including lottery procedures.

198 15. The public charter school's student discipline policies, including discipline policies for special
199 education students.

200 16. An organization chart that clearly presents the public charter school's organizational structure,
201 including lines of authority and reporting between the management committee; staff; any related bodies,
202 such as advisory bodies or parent and teacher councils; and any external organizations that will play a
203 role in managing the public charter school.

204 17. A clear description of the roles and responsibilities for the management committee, the public
205 charter school's leadership and management team, and any other entities shown in the organization
206 chart.

207 18. A staffing chart for the public charter school's first year and a staffing plan for the term of the
208 charter contract.

209 19. Plans for recruiting and developing the public charter school's leadership and staff.

210 20. The public charter school's leadership and teacher employment policies.

211 21. Proposed governing bylaws.

212 22. Explanations of any partnerships or contractual relationships central to the public charter
213 school's operations or mission.

214 23. The public charter school's plans for providing transportation, food service, and all other
215 significant operational and ancillary services.

216 24. A statement of opportunities and expectations for parent involvement.

217 25. A detailed public charter school start-up plan that identifies tasks, timelines, and responsible
218 individuals.

219 26. A description of the public charter school's financial plan and policies, including financial
220 controls and audit requirements.

221 27. A description of the insurance coverage that the public charter school will obtain.

222 28. Start-up and five-year budgets with clearly stated assumptions.

223 29. Start-up and first-year cash-flow projections with clearly stated assumptions.

224 30. Evidence of anticipated fundraising contributions, if claimed in the application.

225 31. A sound facilities plan, including backup or contingency plans, if appropriate.

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

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

232 ~~15. [Expired.]~~

233 ~~16.~~ 33. Disclosure of any ownership or financial interest in the public charter school, by the charter
234 applicant and the governing body, administrators, and other personnel of the proposed public charter
235 school, and a requirement that the successful applicant and the governing body, administrators, and other
236 personnel of the public charter school shall have a continuing duty to disclose such interests during the
237 term of any charter.

238 C. ~~[Expired.]~~

239 D. The charter applicant shall include in the proposed agreement the results of any Board of

Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

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

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

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

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

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

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

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