

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 513

An Act to amend and reenact § 22.1-212.10 of the Code of Virginia, relating to public charter school applications and charter agreements; review by the Board of Education.

[H 2218]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-212.10 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-212.10. Reconsideration and technical assistance; review by Board.

A. If a local school board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, shall be entitled to petition the local school board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, *or the charter agreement is revoked, or not fails to be renewed*. Such reconsideration shall be decided within 60 days of the filing of the petition.

B. Each local school board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the local school board for such decision.

C. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.

D. Upon reconsideration, the decision of a local school board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal. Following a local school board decision to deny a public charter school application or to revoke or fail to renew a charter agreement, the local school board shall submit documentation to the Board of Education as to the rationale for the local school board's denial *of the public charter school application* or revocation of *or failure to renew the charter school application agreement*.

E. The Board of Education ~~shall have~~ *has* no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement *but may communicate any Board finding relating to the rationale for the local school board's denial of the public charter school application or revocation of or failure to renew the charter agreement based on the documentation submitted pursuant to subsection D in any school division in which at least half of the schools receive funding pursuant to Title I, Part A of the Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended.*

~~E.~~ F. Nothing in this section shall prohibit an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application, pursuant to § 22.1-212.9.