

19103231D

## HOUSE BILL NO. 2416

Offered January 9, 2019

Prefiled January 8, 2019

*A BILL to amend and reenact §§ 22.1-212.5 and 22.1-212.10 of the Code of Virginia, relating to public charter schools; services; approval.*

\_\_\_\_\_  
Patron—Davis

\_\_\_\_\_  
Referred to Committee on Education

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

**1. That §§ 22.1-212.5 and 22.1-212.10 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-212.5. Objectives; definitions.**

A. In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide parents and students with more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools may be established in Virginia as provided in this article.

B. As used in this article:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"Public charter school" means a public, nonreligious, or non-home-based alternative school located within a public school division. A public charter school may be created as a new public school or through the conversion of all or part of an existing public school; however, no public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A charter school for at-risk pupils may be established as a residential school.

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards.

"Yellow public charter school" means a public charter school at which additional student services are provided, including health care, dental care, after-school support, and nutritional support.

**§ 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 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, *except as otherwise provided in subsection F*, 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 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 agreement.

E. ~~The~~ *Except as otherwise provided in subsection F*, the Board 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,

INTRODUCED

HB2416

59 as amended.

60 F. *Following a local school board decision to deny a petition for the reconsideration of the denial of*  
61 *a yellow public charter school application, the applicant may appeal such denial to the Board and the*  
62 *Board shall review and approve or deny such application. Notwithstanding the provisions of subsection*  
63 *A of § 22.1-212.12, any yellow public charter school application approved by the Board pursuant to this*  
64 *subsection shall remain in effect for a period not to exceed 10 years.*

65 G. Nothing in this section shall prohibit an applicant whose application has been denied or a grantee  
66 whose charter has been revoked or not renewed from submitting a new application, pursuant to  
67 § 22.1-212.9.