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HOUSE BILL NO. 1408

Offered January 22, 1996

A BILL to amend and reenact § 22.1-253.13:3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.2, consisting of sections numbered 22.1-212.5 through 22.1-212.9, relating to contract schools for enhanced site-based management.

Patrons—Van Yahres and Crittenden

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 1.2, consisting of sections numbered 22.1-212.5 through 22.1-212.9, as follows:

*Article 1.2.**Contract Schools for**Enhanced Site-based Management.**§ 22.1-212.5. Definitions.*

As used in this article, unless the context requires a different meaning:

"Contract application" means a proposal presented to a local school board to request the granting of a contract to one of its supervised public elementary or secondary schools for enhanced site-based management. The application shall, in accordance with Board of Education instructions and forms, consist of the school contract petition and documentation of approval of the supervising school board.

"Contract school" means an existing educational unit within a public school division dedicated to providing elementary or secondary education and authorized, in compliance with this article, to operate under a contract for enhanced site-based management granted by the Board of Education.

"Enhanced site-based management contract" means an agreement between the Board of Education and a supervising school board for the granting of a contract, the terms of which are in accordance with this article and are approved by the parties for an initial three-year period or renewed for no more than three years.

"Contract" means the authority for enhanced site-based management options, including flexible school operations and programs, pursuant to an agreement with the Board of Education which has been executed by the Board and a local school board.

"Contract petition" means, in accordance with Board of Education instructions and forms, a proposal for flexible school operations and programs, consisting of a compilation of the agreements of the licensed school personnel and students' parents required by subdivisions B 1 and B 2 of § 22.1-212.6 as well as the school-community commitment plan and the school improvement plan required pursuant to subdivisions B 3 and B 4 of § 22.1-212.6.

"School-community commitment plan" means mechanisms and processes for ensuring the involvement of school personnel and students' parents and, in the case of a high school, the students in (i) the development of all components of the school improvement plan and (ii) the monitoring of the progress and evolution of the school improvement plan; and for soliciting and including the ideas, opinions, and concerns of school personnel and students' parents and, in the case of a high school, the students. The school-community commitment plan shall also include opportunities for broad input from the community at large.

"School improvement plan" means documentation of (i) measurable and academically challenging educational achievement goals, including proposals for improving student learning, such as clear performance-based and student-achievement-based objectives, and the proposed performance criteria for measuring these objectives and determining student progress during the contract period; (ii) a system for flexible site-based operation and management, including methods for involving school personnel and students' parents in operation and management decisions; (iii) a request for compliance exemption from certain state and local laws and regulations; and (iv) compliance assurances for the Standards of Quality as set forth in Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title and various superseding federal laws, including, but not limited to, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act.

"Students' parents" means the parents, guardians or other persons having control or charge of those students who are currently counted in the average daily membership of the relevant school.

60 "Supervising school board" or "school board" or "local school board" means the school board of the
61 school division in which the petitioning school is located.

62 § 22.1-212.6. Contract schools; procedure for establishment; attendance and transfer.

63 A. The General Assembly finds that students living in poverty are at risk of poor academic
64 performance and that involving the teachers, parents, and the community of such students in school
65 management and decisions improves educational quality and student achievement. Therefore, the Board
66 of Education shall develop mechanisms to assist the teachers and parents of students in schools that
67 have twenty-five percent or more at-risk students in average daily membership in the execution of an
68 agreement to establish a contract school for enhanced site-based management.

69 B. To encourage the development of high academic standards, measurable achievement goals,
70 effective teaching methods, and expanded educational opportunities for parents and students, any local
71 public school may prepare and submit to its supervising school board a contract petition according to
72 the following order and schedule:

73 1. Agreement by secret ballot of two-thirds of the licensed school personnel of the relevant school to
74 the development of school-community commitment and school improvement plans;

75 2. Agreement by secret ballot of thirty percent of the parents of the total number of students in
76 average daily membership in the school to the submission of a contract petition to the supervising
77 school board; however, the parents of each student shall have only one vote between them and any
78 parents having more than one student in the school shall only be provided one ballot for the purposes
79 of calculating thirty percent of the parents;

80 3. Development of a school-community commitment plan as defined in § 22.1-212.5;

81 4. Development of a school improvement plan as defined in § 22.1-212.5;

82 5. Agreement, after review of the school-community commitment and school improvement plans, by
83 secret ballot of two-thirds of the licensed school personnel of the relevant school, to the submission of a
84 contract petition to the supervising school board;

85 6. Compilation, in accordance with Board of Education instructions and forms, of the contract
86 petition, consisting of documentation for the agreements and plans required in subdivisions 1 through 4
87 of this subsection;

88 7. Submission of the contract petition to the supervising school board for review;

89 8. Approval of the supervising school board.

90 C. Within sixty days of submission of a contract petition, the supervising school board shall review
91 the contract petition for compliance with this article and such other standards as such school board
92 shall require and may approve or disapprove the petition. Upon approving the contract petition, the
93 school board shall compile, in accordance with Board of Education instructions, the contract
94 application. After completing the contract application, the school board shall, on behalf the petitioning
95 school, submit the contract application to the Board of Education for review.

96 D. If the contract petition is disapproved by a supervising school board, the petitioning school shall
97 be informed in writing, within thirty days of submitting the petition by the disapproving body, of the
98 reasons for disapproval and of corrective actions that may be taken to obtain approval.

99 E. Schools denied contract petition approval by a supervising school board may resubmit a contract
100 petition. All agreements shall be obtained and all plans shall be completed as required for the initial
101 submission.

102 F. The student body of a contract school shall consist of individuals of school age living within the
103 school's attendance zone as such attendance zone was configured at the time of the petition. However,
104 any child living within the contract school's attendance zone whose parent requests a transfer shall be
105 allowed to attend another public school within the school division. Further, if the school can
106 accommodate students who do not live within its attendance zone, the parents of such students may
107 request a transfer to the contract school. All school boards that approve contract petitions shall provide
108 procedures for allowing student transfers and shall grant student transfers on a first-come-first-served
109 basis.

110 Any licensed school personnel and teacher's aides assigned to a school granted a contract may
111 request a transfer to another school. School boards shall grant such transfer requests for the first
112 comparable vacant position or may arrange for exchange of comparable personnel, upon the agreement
113 of individual being transferred to the contract school.

114 § 22.1-212.7. Board of Education authority.

115 A. In granting contracts for enhanced site-based management, the Board of Education shall have the
116 authority to contract for compliance exemptions from state laws, regulations, ordinances, and rules,
117 except as provided herein. The Board of Education shall review the contract application for compliance
118 with the requirements of this article, the Constitutions of the United States and Virginia, the Standards
119 of Quality and various superseding federal laws; shall negotiate with the supervising school board for
120 compliance exemptions and for school community commitment plan and school improvement plan
121 revisions; and may grant or deny the contract application.

B. The Board of Education shall establish, pursuant to the Administrative Process Act (§ 9-6.14:1.1), regulations providing criteria and procedures for granting contracts to authorize the enhanced site-based management which shall include:

- 1. Compliance with the requirements of this article;*
- 2. Instructions and forms;*
- 3. Annual review of the contract;*
- 4. Annual reports from the contract schools to the parents, the supervising school boards, and the Board of Education;*
- 5. Site-based evaluations of the contract schools;*
- 6. Procedures for resubmission of any denied contract application;*
- 7. Procedures for declaring the contract null and void if over two-thirds of the licensed school personnel of the designated school or more than thirty percent of the parents of students in average daily membership request the cancelling of the contract or if, at any time, the school fails to fulfill the terms and conditions of the contract;*
- 8. Procedures for updating the terms and conditions of contracts, agreed to by all parties and subject to the agreement of two-thirds of the licensed school personnel employed in the designated contract school;*
- 9. Procedures for determining and obtaining exemptions, flexibility or waivers from state and local laws from the Board of Education; however, compliance with the Virginia Constitution and the Standards of Quality shall always be required;*
- 10. Guidelines for flexible site-based operation and management.*

C. The Board of Education may grant initial contracts for enhanced site-based management for a three-year period; thereafter, the Board may renew the contract for a one- to three-year period, upon the completion of the schedule required by § 22.1-212.6.

D. Beginning in January 1997, the Board of Education shall report annually in January of each year to the Governor and the General Assembly on the status of contract schools for enhanced site-based management.

§ 22.1-212.8. Limitations and conditions.

A. In no case shall more than six contracts for enhanced site-based management be granted per division superintendent's region, with no more than two such schools per educational level (elementary, middle, and high school). For this purpose, the Board of Education shall assign each contract application a review ranking number, based on the chronological order in which the application was received.

B. No contract shall be granted under this article that authorizes the conversion of any private school to a contract school for enhanced site-based management.

§ 22.1-212.9. Construction of article.

This article shall not be construed to prevent any person from providing financial or in-kind donations to assist in the establishment or operation of a contract school for enhanced site-based management or to prohibit the appropriation of local funds, in addition to the required local apportionment for support of the Standards of Quality, for the establishment or operation of a contract school. Further, in the establishment or operation of any contract school, this article shall be construed to require strong parental involvement and to encourage the involvement of a broad-based community coalition.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs, administrative and instructional staffing levels and positions, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia. The Board's Standards for accreditation shall include flexible alternatives designed to enhance the options for site-based management in contract schools. In revising the standards for accreditation, the Board shall seek to set pupil-teacher ratios for educable mentally retarded (EMR) pupils that do not exceed the pupil-teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

C. The Board shall also establish requirements for certification of teachers, principals, supervisors and other professional staff and determine eligibility for appointment as a local division superintendent.

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve

183 criteria for determining and recognizing educational performance in the Commonwealth's public school
184 divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation
185 process and shall include student outcome measurements. One year following the approval by the Board
186 of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those
187 school divisions and schools that exceed or do not meet the approved criteria. The Superintendent of
188 Public Instruction shall assist local school boards in the implementation of action plans for increasing
189 educational performance in those school divisions and schools that are identified as not meeting the
190 approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and
191 report to the Board of Education on the effectiveness of the corrective actions taken to improve the
192 educational performance in such school divisions and schools.

193 E. In order to assess the educational progress of students, the Board of Education shall also (i)
194 develop appropriate assessments which may include criterion-referenced tests and alternative assessment
195 instruments which may be used by classroom teachers; (ii) prescribe and provide measures, which may
196 include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall
197 be used to identify students who score in the bottom quartile at selected grade levels; and (iii) prescribe
198 and provide literacy tests in reading, writing and mathematics which shall be administered to students in
199 grade six and to students who have not successfully passed them in grades seven and eight.

200 F. Each local school board shall maintain schools which meet the standards of accreditation as
201 prescribed by the Board of Education. The accreditation status of all schools in each local school
202 division shall be reviewed annually in public session. Within the time specified by the Board of
203 Education, each school board shall submit corrective action plans for any schools within its school
204 division that have been designated as not meeting the criteria for determining effectiveness as approved
205 by the Board.

206 G. Each local school board shall also provide teachers and principals with (i) periodic in-service
207 training in preparing tests and other assessment measures and (ii) methods for assessing the progress of
208 individual students, including Standards of Learning assessment materials or other criterion-referenced
209 tests which match locally developed objectives.

210 H. In order to assess the educational progress of students as individuals and as groups, each local
211 school board shall require the administration of appropriate assessments, which may include
212 criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the
213 Virginia State Assessment Program, the Virginia Literacy Testing Program, and the National Assessment
214 of Educational Progress state-by-state assessment. Each school board shall analyze and report annually,
215 in compliance with any criteria which may be established by the Board of Education, the results from
216 the Virginia State Assessment Program and the Virginia State Literacy Testing Program to the public.