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HOUSE BILL NO. 2313

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact §§ 22.1-212.5 and 22.1-212.13 of the Code of Virginia, relating to public charter schools.*

Patron—Bell, Richard P.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.5 and 22.1-212.13 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. *A public charter school may operate as a virtual school program, as defined in § 22.1-212.23, that allows students to take online instruction on a full-time, part-time, or individual course basis.*

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards. *A regional public charter school may operate as a virtual school program, as defined in § 22.1-212.23, that allows students to take online instruction on a full-time, part-time, or individual course basis.*

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

A. Public charter school personnel shall be employees of the local school board or boards granting the charter. *In the case of a public charter school or regional public charter school operating as a virtual school program, school personnel may also be employed through a contractual agreement with the local school board to deliver online instruction, provided that such personnel delivering online instruction to students through virtual school programs shall be licensed by the Board and shall be subject to the requirements of §§ 22.1-296.1 and 22.1-296.2.*

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

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59 to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between
60 such school board and the charter school; however, nothing herein shall require a school board to fund
61 the residential or other services provided by a residential charter school.