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## SENATE BILL NO. 1324

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor  
on March 25, 2013)

(Patrons Prior to Substitute—Senators McDougle and Alexander)

A *BILL to amend and reenact §§ 2.2-208, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2905, 22.1-7.1, and 23-14 of the Code of Virginia and to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 4.1, consisting of sections numbered 22.1-27.1 through 22.1-27.6, relating to creation of the Opportunity Educational Institution.*

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

**1. That §§ 2.2-208, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2905, 22.1-7.1, and 23-14 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 4.1, consisting of sections numbered 22.1-27.1 through 22.1-27.6, as follows:**

**§ 2.2-208. Position established; agencies for which responsible; powers and duties.**

The position of Secretary of Education (the "Secretary") is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Education, State Council of Higher Education, Virginia Museum of Fine Arts, The Science Museum of Virginia, Frontier Culture Museum of Virginia, The Library of Virginia, Jamestown-Yorktown Foundation, Board of Regents of Gunston Hall, the Commission for the Arts, and the Board of Visitors of the Virginia School for the Deaf and the Blind, and the Opportunity Educational Institution Board. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such a power to himself, the Secretary is empowered to resolve administrative, jurisdictional or policy conflicts between any agencies or officers for which he is responsible and to provide policy direction for programs involving more than a single agency. He is authorized to direct the preparation of alternative policies, plans and budgets for education for the Governor and, to that end, may require the assistance of the agencies for which he is responsible. He shall direct the formulation of a comprehensive program budget for cultural affairs encompassing the programs and activities of the agencies involved in cultural affairs.

**§ 2.2-2101. (Effective until July 1, 2013) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.**

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Opportunity Educational Institution Board, who shall be appointed as provided in § 22.1-27.1; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Comprehensive Services for At-Risk Youth and Families, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Workforce Council, who shall be appointed as provided for in § 2.2-2669; to members of the Volunteer Firefighters' and Rescue Squad Workers'

60 Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the  
61 Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-233; to members of the  
62 Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Open  
63 Education Curriculum Board, who shall be appointed as provided in § 2.2-2463; or to members of the  
64 Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

65 **§ 2.2-2101. (Effective July 1, 2013) Prohibition against service by legislators on boards,**  
66 **commissions, and councils within the executive branch; exceptions.**

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97 Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735.

98 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

99 The provisions of this chapter shall not apply to:

- 100 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 101 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 102 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either  
103 house thereof is required or not;
- 104 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 105 5. Members of boards and commissions however selected;
- 106 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of  
107 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and  
108 notaries public;
- 109 7. Officers and employees of the General Assembly and persons employed to conduct temporary or  
110 special inquiries, investigations, or examinations on its behalf;
- 111 8. The presidents, and teaching and research staffs of state educational institutions;
- 112 9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
- 113 10. Student employees in institutions of learning, and patient or inmate help in other state  
114 institutions;
- 115 11. Upon general or special authorization of the Governor, laborers, temporary employees and  
116 employees compensated on an hourly or daily basis;
- 117 12. County, city, town and district officers, deputies, assistants and employees;
- 118 13. The employees of the Virginia Workers' Compensation Commission;
- 119 14. The officers and employees of the Virginia Retirement System;
- 120 15. Employees whose positions are identified by the State Council of Higher Education and the  
121 boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the

Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;

16. Employees of the State Lottery Department;

17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;

18. Employees of the Virginia Commonwealth University Health System Authority;

19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;

21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

22. Officers and employees of the Virginia Port Authority;

23. Employees of the Virginia College Savings Plan;

24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

25. The Director of the Virginia Office for Protection and Advocacy;

26. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;

27. Employees of the Virginia Indigent Defense Commission; ~~and~~

28. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23-232; *and*

29. *Employees of the Opportunity Educational Institution Board.*

**§ 22.1-7.1. Open school enrollment policy.**

A. Any local school board may establish and implement policies to provide for the open enrollment to any school, *not including a school previously in the school division that is currently under the supervision of the Opportunity Educational Institution Board*, of any student residing within the school division upon the request of a parent or guardian. In developing such policies, a local school board may include the following conditions and limitations:

1. An application process whereby a parent or guardian indicates a school preference for purposes of his child attending a school in the child's school division but outside of the attendance area in which the child resides;

2. A requirement that the parent or guardian provide transportation for the student attending a school other than his assigned school;

3. A requirement that a student may be disqualified from attending a school other than his assigned school if he has been subject to a specified disciplinary action;

4. A prohibition on the recruitment of a student from one school to another by a school division employee;

5. A limitation on participation in certain athletic activities for a student who chooses to attend a school other than his assigned school;

6. A random, unbiased selection process in the event open enrollment requests exceed the capacity of a school;

7. A provision that a student shall be permitted to remain at the receiving school until the student has completed the highest grade level in the school; and

8. A preference to a student (i) who resides in a location that has been subject to a change in school attendance area during the previous two years, (ii) who has a sibling attending the receiving school, or (iii) whose parent or guardian is an employee of the receiving school.

B. A copy of the school division's policies for open enrollment, if any, shall be posted on the division's website and shall be available to the public upon request.

C. Nothing in this section shall interfere with a local school board's authority to adopt a pupil placement plan pursuant to § 22.1-79.

D. For the purposes of this section, "open enrollment" means a policy adopted and implemented by a local school board to allow any student to enroll in any school within the school division of attendance regardless of the location of the student's residence.

#### CHAPTER 4.1.

##### OPPORTUNITY EDUCATIONAL INSTITUTION.

#### **§ 22.1-27.1. Opportunity Educational Institution and Board established; membership; terms; quorum; meetings; Executive Director; compensation.**

A. Upon finding that it is desirable for the intellectual, cultural, and occupational development of the people of the Commonwealth and to ensure that a free public educational program of high quality is established and continually maintained for all students throughout the Commonwealth, the statewide Opportunity Educational Institution (the Institution) is hereby established to provide an appropriate education for children attending any public elementary or secondary school that has been transferred to the Institution pursuant to this chapter. The Institution shall be administered and supervised by the Opportunity Educational Institution Board (the Board), which is hereby established as a policy agency in the executive branch of state government.

B. The Board, in administering and supervising the Institution, in addition to any powers and duties expressly provided in this chapter, shall be vested with all of the powers and duties of a local school board that are set forth in the Constitution of Virginia and this Code.

The Board shall have the authority to (i) make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter; (ii) sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise dispose of all or any part of property and assets owned by the Board; and (iii) procure applicable insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets, or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees, or agents and for the indemnification of the members of the Board and its employees and agents.

All purchases made by the Board shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.), provided that the Board, in consultation with the Department of General Services, adopts procedures for the procurement of goods and services which are based on competitive principles.

C. The Board shall consist of nine appointed members and at least two ex officio members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; one nonlegislative citizen member who shall have experience with the turnaround of failing schools; one nonlegislative citizen member who shall be a former teacher, former principal, or former superintendent; one nonlegislative citizen member who shall be a current or former educator in a nontraditional school, such as a charter school, college partnership laboratory school, virtual school, or other nontraditional school; and two nonlegislative citizen members who shall be citizens at large, to be appointed by the Governor and subject to confirmation by the General Assembly. The Secretary of Education or his designee and the Executive Director of the Institution shall serve ex officio with nonvoting privileges. The chairman of the school board, or his designee, in any school division in which a school has been transferred to the Institution shall serve ex officio with nonvoting privileges. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth. Legislative members and ex officio members of the Board shall serve terms coincident with their terms of office.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. After the initial staggering of terms, nonlegislative members shall be appointed for a term of four years.

No House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be elected for a term of two years. The Board shall elect a secretary, who shall keep an accurate record of the proceedings of the Board and of the executive committee if one is created by the Board, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum, provided that at least three members that constitute any such quorum are nonlegislative members. The meetings of the Board shall be held at the call of the chairman or whenever the majority of members so request.

E. The Governor shall appoint an Executive Director. The Executive Director shall employ or retain such agents or employees subordinate to the Executive Director as may be necessary to fulfill the duties

of the Institution conferred upon the Executive Director, subject to the Board's approval. The selection, qualification, duties, and compensation of personnel of the Board, other than the Executive Director, shall be as determined by the Executive Director. Personnel of the Board shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

The Executive Director shall exercise all of the powers and duties of a division superintendent and shall also exercise the powers and duties conferred upon the Institution as may be delegated to him by the Board, including powers and duties involving the exercise of discretion. The Executive Director shall also exercise and perform such other powers and duties as may be delegated to him or as may be conferred or imposed upon him by law.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from such funds as may be appropriated to the Board in accordance with the general appropriation act.

G. The Superintendent of Public Instruction shall designate two members of the staff of the Department of Education to assist the Board. One staff member shall be responsible for assisting on matters pertaining to instruction, federal and state special education requirements, and school accreditation and for providing technical assistance to the Board on meeting specific instructional and school accreditation needs. The second staff member shall be the Director of the Office of School Improvement.

#### **§ 22.1-27.2. Supervision and retention of schools.**

A. In January of the third year that a school is accredited with warning, the Board may require a school to disclose information and documentation pertaining to matters relevant to the operation of the school.

B. The local school board shall transfer to the Board the supervision and operation of any school upon being denied accreditation.

A local school board may request to transfer to the Board the supervision and operation of any school that has been accredited with warning for three consecutive years. The school board shall transfer the supervision and operation of the school if a majority vote of the Board approves the transfer request.

C. The Board shall supervise and operate schools in the Institution in whatever manner that it determines to be most likely to achieve full accreditation for each school in the Institution, including the utilization of charter schools and college partnership laboratory schools.

The Board shall have the authority to directly operate schools supervised by the Board or contract with one or more individuals, governmental entities, or nonprofit entities to manage the day-to-day operations of any or all schools supervised by the Board, including providing direct services to students.

D. At the end of each school year, but no later than August 1, the Board shall make a report to the Governor and the General Assembly setting forth the status of each school in the Institution, the nature of its faculty and administration, the size of its student body, its organizational and management structure, and the levels of improvement in student academic performance.

E. A school supervised by the Board shall remain in the Institution for a minimum of five years. After the school reaches full accreditation for two consecutive years, the Executive Director shall start developing a transition plan for the purpose of planning to transfer supervision of the school to the local school division. Implementation of this plan shall begin after the school achieves full accreditation for three consecutive years. The plan shall be fully implemented and the transition shall be completed after the school achieves full accreditation for five consecutive years, unless the parents or legal guardians of at least 60 percent of the children enrolled at the school demonstrate support for remaining in the Institution by signing a petition. The Board shall annually review the status of any school that remains in the Institution due to a parental petition and may transfer supervision of the school to the local school division upon completion of the review.

F. Notwithstanding subsection E or any other provision to the contrary, if the Board has authorized a school under its supervision to operate as a charter school, the Board shall remain the chartering authority through the duration of the charter agreement and the school shall remain under the authority of the Board. Upon expiration of the charter agreement, and provided the conditions set forth in this section are met, supervision of the school shall return to the local school division and the terms of the charter agreement may be renewed upon submission of an application by the governing body of the charter school to the local school division.

#### **§ 22.1-27.3. Student attendance.**

Students enrolled in any school under the supervision of the Board shall continue to attend the school, but nothing in this section shall abridge the ability of a parent or guardian to apply for his child to attend another school in the school division of residence if that school division has established and implemented policies to provide for the open enrollment to any school of any student residing within the school division pursuant to § 22.1-7.1.

**§ 22.1-27.4. Staffing.**

A. The Executive Director may employ such staff members as he deems necessary, and employees of the Board shall be exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.), pursuant to § 2.2-2905. At the time that the supervision of a school is transferred to the Board, any teacher who is employed in the school by the local school division of residence may be given consideration for employment in the same or a comparable position by the Institution or its designee. The Board or its designee shall have ultimate authority to make hiring decisions.

B. Any person employed in a school under the supervision of the Board may, at the time of transfer, choose to remain in the employ of the local school division of residence, and the school division shall retain, reassign, or dismiss such person consistent with the requirements of Article 2 (§ 22.1-293 et seq.) of Chapter 15.

**§ 22.1-27.5. Funding.**

A. Federal, state, and required local matching funds provided to school divisions pursuant to the general appropriation act shall be transferred to the Institution as prescribed in this subsection and in the general appropriation act if students in a school under the supervision of the Board would otherwise be eligible for the funding if they remained in a school under the supervision of the local school division of residence.

B. Each student enrolled in a school under the supervision of the Board shall have his proportionate federal, state, and local shares of per pupil funding transferred from the local school division of residence to the Institution. The proportionate share of such per pupil funding transferred shall consist of (i) any state-funded accounts paid on the basis of student enrollment, including fall membership, March 31 average daily membership, and school-aged population; (ii) the proportionate share of any applicable federal aid programs allocated for students and teachers in the Institution, including, but not limited to the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et seq.), Title I of the No Child Left Behind Act of 2001 (20 U.S.C. § 6301 et seq.), and the Teacher Training Grant Program pursuant to part A of Title II of the No Child Left Behind Act of 2001 (20 U.S.C. § 6301 et seq.); (iii) the proportionate share of state moneys that are allocated under other applicable Direct Aid to Public Education programs and that are not included in clause (i); (iv) the per pupil required local effort for the Standards of Quality programs; (v) the per pupil required local match for any optional direct aid programs in which the local school division of residence participates that are applicable to the enrollment of the Institution; and (vi) any other proportionate share of local funding not included in clauses (iv) and (v) that would otherwise be provided for such students enrolled in the school if the school had remained under the supervision of the local school board. Except for a reasonable portion that may be necessary for the administration of the Institution, subject to the limits contained in this paragraph, local funds specified in clauses (iv), (v), and (vi) shall only be used for schools under the supervision of the Board that were formerly under the supervision of the local school division from which such funds were derived or expended by the Board in a manner that such schools receive a proportionate benefit when such local funds are expended to benefit multiple schools under the supervision of the Board.

The annual operating budget for the Institution shall be proportioned in a manner that dedicates no less than 65 percent of total funding for instructional costs and no more than 35 percent for noninstructional costs, including administration of the Institution. The methodology for allocating each school division's expenditures to instructional and noninstructional costs shall be consistent with the funding of the Standards of Quality as approved by the General Assembly. If, for any reason, the Institution desires to exceed 35 percent funding for noninstructional costs, it must be granted approval by the Governor. The Board and the Chairmen of the House Appropriations and Senate Finance Committees shall be notified promptly of such approval by the Governor.

C. In addition to the funds authorized in subsection B and any funds otherwise appropriated in the general appropriation act for the operation of the Institution or the schools under the Board's supervision, the Board is authorized to receive and expend any gifts, grants, bequests, or donations, including interest thereon, from private sources solely for the purpose of operating the Institution or the schools under the Board's supervision subject to written guidelines issued by the Governor in accordance with the appropriation act.

D. The Board and the local school division of residence shall take all actions necessary to facilitate transfer of funding as prescribed in subsections A and B on a schedule that is sufficient for the operation of the Institution. For any school under the supervision of the Board, the Board shall certify to the applicable local school division of residence the enrollment of any such school on a schedule that

is sufficient for the timely transfer of such payments. The Board shall also be responsible for submitting to the resident school division any data necessary to meet any local, state, and federal reporting requirements.

E. Students enrolled in a school under the supervision of the Board shall be included in all applicable enrollment counts of the local school division of residence. Such students shall be counted in the required local effort of Standards of Quality programs and any required local match for optional programs applicable to the local school division of residence.

F. The Auditor of Public Accounts, or his legally authorized representative, shall annually audit the accounts of the Board.

**§ 22.1-27.6. School buildings and facilities.**

A. The Board may require any local school division to provide school support or student support services that are compliant with all laws and regulations governing such services for a school whose supervision is transferred from the local school division, including student transportation, school food service, alternative schools, or student assessment for special education eligibility. In such cases, the Board shall reimburse the actual cost to the local school division providing such services.

B. The Board shall be granted the right to use any school building, facility, and property otherwise part of the school and recognized as part of the facilities or assets of the school prior to the transfer of its supervision to the Board and shall also be granted access to such additional facilities as were typically available to the school and its students, faculty, and staff prior to the transfer of its supervision to the Board. Such use shall be unrestricted and free of charge, except that the Board shall be responsible for and obligated to provide routine maintenance and repair such that the facilities and property are maintained in as good an order as when the right of use was acquired by the Board. The Board shall also be responsible for paying all utilities in use at Board-utilized facilities. Extensive repairs to buildings or facilities considered capital expenses shall remain the responsibility of the local school division. Any fixtures, improvements, or tangible assets added to a school building or facility by the Board shall remain at the school building or facility upon its return to the local school division.

**§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.**

The College of William and Mary in Virginia, at Williamsburg; Richard Bland College of the College of William and Mary at Dinwiddie and Prince George; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Institute for Advanced Learning and Research; and the New College Institute; and the Opportunity Educational Institution are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

**2. That the initial appointments of nonlegislative citizen members of the Opportunity Educational Institution Board shall be staggered as follows: two members for a term of four years, two members for a term of three years, and one member for a term of two years.**

**3. That the initial transfer of supervision of schools to the Institution shall occur after the 2013-2014 school year.**

**4. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in a general appropriation act passed during the 2013 Regular or Special Session of the General Assembly that becomes law.**