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**HOUSE BILL NO. 157**

House Amendments in [ ] — January 29, 2014

A *BILL to amend and reenact §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia, relating to charter schools; restrictions and pre-lottery enrollment for current students of conversion charter schools.*

Patron Prior to Engrossment—Delegate Minchew

Referred to Committee on Education

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

**1. That §§ 22.1-212.6, 22.1-212.8, and 22.1-212.11 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-212.6. Establishment and operation of public charter schools; requirements.**

A. A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

Enrollment shall be open to any child who is deemed to reside within the relevant school division or, in the case of a regional public charter school, within any of the relevant school divisions, as set forth in § 22.1-3, through a lottery process on a space-available basis, *except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students [ shall may ] be given the opportunity to enroll in advance of the lottery process.* A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract and as specified in § 22.1-212.7, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

**§ 22.1-212.8. Charter application.**

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. The mission statement of the public charter school that must be consistent with the principles of the Standards of Quality.

2. The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning.

59 3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support  
60 the formation of a public charter school.

61 4. A statement of the need for a public charter school in a school division or relevant school  
62 divisions in the case of a regional public charter school, or in a geographic area within a school division  
63 or relevant school divisions, as the case may be.

64 5. A description of the public charter school's educational program, pupil performance standards, and  
65 curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used  
66 to measure pupil progress towards achievement of the school's pupil performance standards, in addition  
67 to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of  
68 such standards; and the procedures for taking corrective action in the event that pupil performance at the  
69 public charter school falls below such standards.

70 6. A description of the lottery process to be used to determine enrollment, *including a provision that*  
71 *in the case of the conversion of an existing public school, students who attend the school and the*  
72 *siblings of such students [ shall may ] be given the opportunity to enroll in advance of the lottery*  
73 *process.* A lottery process shall also be developed for the establishment of a waiting list for such  
74 students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the  
75 specific mission or focus of the public charter school and is consistent with all federal and state laws  
76 and regulations and constitutional provisions prohibiting discrimination that are applicable to public  
77 schools and with any court-ordered desegregation plan in effect for the school division or, in the case of  
78 a regional public charter school, in effect for any of the relevant school divisions.

79 7. Evidence that the plan for the public charter school is economically sound for both the public  
80 charter school and the school division or relevant school divisions, as the case may be; a proposed  
81 budget for the term of the charter; and a description of the manner in which an annual audit of the  
82 financial and administrative operations of the public charter school, including any services provided by  
83 the school division or relevant school divisions, as the case may be, is to be conducted.

84 8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be  
85 employed in the public charter school, in instances of the conversion of an existing public school to a  
86 public charter school, and for the placement of public charter school pupils, teachers, and employees  
87 upon termination or revocation of the charter.

88 9. A description of the management and operation of the public charter school, including the nature  
89 and extent of parental, professional educator, and community involvement in the management and  
90 operation of the public charter school.

91 10. An explanation of the relationship that will exist between the proposed public charter school and  
92 its employees, including evidence that the terms and conditions of employment have been addressed  
93 with affected employees.

94 11. An agreement between the parties regarding their respective legal liability and applicable  
95 insurance coverage.

96 12. A description of how the public charter school plans to meet the transportation needs of its  
97 pupils.

98 13. Assurances that the public charter school (i) is nonreligious in its programs, admission policies,  
99 employment practices, and all other operations and (ii) does not charge tuition.

100 14. In the case of a residential charter school for at-risk students, a description of (i) the residential  
101 program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding  
102 sources for the residential and other services provided; and (iv) any counseling or other social services  
103 to be provided and their coordination with any current state or local initiatives.

104 15. [Expired.]

105 16. Disclosure of any ownership or financial interest in the public charter school, by the charter  
106 applicant and the governing body, administrators, and other personnel of the proposed public charter  
107 school, and a requirement that the successful applicant and the governing body, administrators, and other  
108 personnel of the public charter school shall have a continuing duty to disclose such interests during the  
109 term of any charter.

110 C. [Expired.]

111 D. The charter applicant shall include in the proposed agreement the results of any Board of  
112 Education review of the public charter school application that may have been conducted as provided in  
113 subsection C of § 22.1-212.9.

114 **§ 22.1-212.11. Public charter school restrictions.**

115 A. Local school boards may establish public charter schools within the school division. Priority shall  
116 be given to public charter school applications designed to increase the educational opportunities of  
117 at-risk students; ~~and at least one-half of the public charter schools per division shall be for at-risk~~  
118 ~~students.~~

119 B. Local school boards shall report the grant or denial of public charter school applications to the  
120 Board and shall specify the maximum number of charters that may be authorized, if any; the number of

- 121 charters granted or denied; and whether a public charter school is designed to increase the educational
- 122 opportunities of at-risk students.
- 123 C. Nothing in this article shall be construed to prevent a school that is the only school in the
- 124 division from applying to become a public charter school.