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HOUSE BILL NO. 687**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Education
on January 24, 2018)

(Patron Prior to Substitute—Delegate McQuinn)

A *BILL* to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.2:1, consisting of sections numbered 22.1-212.16:1 through 22.1-212.16:5, relating to the Virginia Public School Improvement Program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 1.2:1, consisting of sections numbered 22.1-212.16:1 through 22.1-212.16:5, as follows:

Article 1.2:1.

Virginia Public School Improvement Program.

§ 22.1-212.16:1. Virginia Public School Improvement Program; purpose; criteria.

A. There is hereby established the Virginia Public School Improvement Program (the Program) to (i) stimulate maximum development of state-of-the-art programs in public education and creative school reform initiatives, including personalized instruction; (ii) consider opportunities for alternative instructional methods and novel student assessment and school accountability; (iii) provide opportunities for innovative instruction and assessment; (iv) increase the use of technology in education and academic assessment; (v) accelerate student learning and achievement, particularly to provide for the educational needs of academically low-performing students; (vi) close the academic achievement gap between minority and non-minority students; (vii) facilitate the employment of master teachers and highly experienced administrators; (viii) utilize research-based best practices and educational innovations in curricula, classroom instruction, and management; (ix) promote family and community involvement in the education of the students; (x) provide alternative and innovative instruction and school scheduling, management, and structure; (xi) establish educational excellence as a benchmark; (xii) achieve cost efficiencies; (xiii) streamline and simplify certain regulatory requirements; and (xiv) provide parents and students with more educational options within their school divisions.

B. A local school board may designate or approve for participation in the Program any public school within its school division (i) if a majority of teachers and parents of students at the school have petitioned the school board to participate in the Program, (ii) that does not meet the requirements to be fully accredited, or (iii) whose pass rates for English and mathematics are below the division-wide average. No school that has applied to operate as, converted to, or received permission from the local school board to operate as a public charter school, pursuant to § 22.1-212.5, shall participate in the Program.

C. Local school boards shall designate or approve schools to participate in the program for a five-year period. Local school boards may renew any designation or approval upon review.

D. The local school board may rescind the designation or approval of a public school's participation in the Program prior to the expiration of the five-year period if (i) a majority of teachers and parents of students at the school petition the school board to rescind the school's participation in the Program or (ii) the public school makes application to operate as a charter school pursuant to § 22.1-212.5. The local school board may also rescind the designation or approval of a school's participation in the Program if the public school violates the terms of the contract pursuant to this section or if 50 percent or more of the students enrolled in a participating public school fail to achieve satisfactory academic progress toward the school's stated academic goals each school year for two consecutive school years.

§ 22.1-212.16:2. Funding of Program.

A. A local school board that elects to designate or approve public schools within its school division for participation in the Program shall continue to receive its proportion of state basic school aid without reduction or proration of costs for educational and support programs offered by the school division.

B. No governing body shall reduce the amount of its appropriation to the local school board on the basis of participation in the Program by a school within the division or any cost savings that result from such participation.

C. No local school board shall reduce the amount budgeted for any individual school on the basis of the school's participation in the Program or any cost savings that result from such participation.

D. To the extent possible, a local school board shall provide expenditure flexibility to any school in the division participating in the Program and shall enter into agreements with such schools outlining such flexibility.

§ 22.1-212.16:3. Local authority; exemption from regulatory requirements.

60 A. Pursuant to the provisions of this article and constitutional principles, local school boards shall
61 maintain and exercise authority over public schools within the school division that have been designated
62 or approved by the school board to participate in the Program.

63 B. Public schools participating in the Program shall operate free from (i) specified school division
64 policies as determined and agreed to by the public school and local school board and (ii) specified state
65 regulations as determined and agreed to by the public school and the Board; however, such public
66 schools shall be subject to the requirements of the Standards of Quality, including the Standards of
67 Learning and the Standards of Accreditation, and applicable federal laws and regulations prohibiting
68 racial, ethnic, and gender discrimination and governing special education and equity programs and
69 disclosure of scholastic records and other personal identifiable information.

70 C. The local school board shall execute a contract with the public schools designated or approved to
71 participate in the Program that shall reflect all agreements regarding the release of the public school
72 from school division policies and from state regulations, consistent with the requirements of this section.
73 The local school board, on behalf of the public school, shall request the release of the public school
74 from state regulations from the Board.

75 D. No local school board shall amend the attendance area of a school participating in the Program
76 on the basis of such participation.

77 **§ 22.1-212.16:4. Annual reporting requirements.**

78 Local school boards shall report annually the designation or approval of public schools participating
79 in the Program to the Board, as may be determined by the Board. Such report shall specify, among
80 other things, the purpose of the designation or approval, the number of participating schools, the
81 student census and teacher-student ratio, a detailed description of the academic program offered by
82 each participating public school, and the academic progress achieved and other accomplishments of the
83 public school while a participant in the Program.

84 **§ 22.1-212.16:5. Board of Education guidelines.**

85 To facilitate statewide uniformity of the Program, the Board shall establish guidelines to assist local
86 school boards in the implementation of the Program and shall provide technical assistance to local
87 school boards as may be requested.