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## HOUSE BILL NO. 875

Offered January 25, 1994

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 Commonwealth Charter Schools.

Patrons—Van Yahres, Christian, Connally, Cooper, Diamonstein, Plum, Scott and Tata

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.*

*Commonwealth Charter Schools.*

*§ 22.1-212.5. Definitions.*

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

*"Charter application" means a proposal presented by a local school board to the Board of Education to request the granting of a school charter to one of its supervised public elementary or secondary schools. The charter application shall, in accordance with Board of Education instructions and forms, consist of the school charter petition and documentation of approval of the supervising school board.*

*"Commonwealth Charter 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 school charter granted by the Board of Education.*

*"Performance-based contract" means an agreement between the Board of Education and a supervising school board for the granting of a school charter, 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.*

*"School charter" means authority for flexible school operations and programs pursuant to a performance-based contract granted by the Board of Education and executed by the Board and a local school board.*

*"School charter 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 school improvement plan progress and evolution, 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 charter 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, guardian or other person having control or charge of those students who are currently in the average daily membership of the relevant school.*

*"Supervising school board" or "school board" or "local school board" means the school board of the*

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60 school division in which the petitioning school is located.

61 § 22.1-212.6. Commonwealth Charter Schools; procedure for establishment; attendance and transfer.

62 A. The General Assembly finds that students living in poverty are at risk of poor academic  
63 performance and that involving the teachers, parents, and the community of such students in school  
64 management and decisions improves educational quality and student achievement. Therefore, the Board  
65 of Education shall develop mechanisms to assist the teachers and parents of students in schools that  
66 have twenty-three percent or more at-risk students in average daily membership with the establishment  
67 of Commonwealth Charter Schools.

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

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

74 2. Agreement by secret ballot of two-thirds of the students' parents present at a meeting called for  
75 this purpose to the development of school community commitment and school improvement plans and to  
76 the submission of a school charter petition to the supervising school board. However, in no case shall  
77 agreement be obtained from the parents present at such meeting if such parents represent less than  
78 thirty percent of the students in average daily membership at the relevant school.

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

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

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

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

87 7. Submission of the school charter petition to the supervising school board for review.

88 8. Approval of the supervising school board.

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

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

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

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

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

113 § 22.1-212.7. Board of Education authority.

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

121 B. The Board of Education shall establish, pursuant to the Administrative Process Act (§ 9-6.13:1.1),

regulations providing criteria and procedures for granting school charters to authorize the operation of Commonwealth Charter Schools which shall include:

1. Compliance with the requirements of this article.
2. Instructions and forms.
3. Annual review of the performance-based contract pursuant to which any school charter was granted.
4. Annual reports from the Commonwealth Charter Schools to the parents, the supervising school boards, and the Board of Education.
5. Site-based evaluations of the Commonwealth Charter Schools.
6. Procedures for resubmission of denied charter applications.
7. Procedures for declaring the school charter null and void if over two-thirds of the licensed school personnel of the designated Commonwealth Charter School or more than thirty percent of the parents of students in average daily membership request the withdrawal of the school charter or if, at any time, the Commonwealth Charter School fails to fulfill the terms and conditions of the performance-based contract.
8. Procedures for updating the terms and conditions of school charters, agreed to by all parties and subject to the agreement of two-thirds of the licensed school personnel employed in the designated Commonwealth Charter School.
9. Procedures for determining exemptions from state and local laws; 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 school charters for a three-year period; thereafter, the Board may renew the charter for a one- to three-year period, upon the completion of the schedule required by § 22.1-212.6.

D. Beginning in January 1996, the Board of Education shall report annually in January of each year to the Governor and the General Assembly on the status of the Commonwealth Charter Schools.

§ 22.1-212.8. Limitations and conditions.

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

B. No charter shall be granted under this article that authorizes the conversion of any private school to a Commonwealth Charter School.

§ 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 Commonwealth Charter School 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 Commonwealth Charter School. Further, in the establishment or operation of any Commonwealth Charter 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 for Commonwealth Charter 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 criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board

183 of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those  
184 school divisions and schools that exceed or do not meet the approved criteria. The Superintendent of  
185 Public Instruction shall assist local school boards in the implementation of action plans for increasing  
186 educational performance in those school divisions and schools that are identified as not meeting the  
187 approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and  
188 report to the Board of Education on the effectiveness of the corrective actions taken to improve the  
189 educational performance in such school divisions and schools.

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

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

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

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