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## HOUSE BILL NO. 1629

Offered January 13, 1999

A BILL to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 1.3, consisting of sections numbered 22.1-212.16 through 22.1-212.20, relating to contract schools for enhanced site-based management.

Patron—Van Yahres

Referred to Committee on Education

## 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 1.3, consisting of sections numbered 22.1-212.16 through 22.1-212.20, as follows:

## Article 1.3.

Contract Schools for  
Enhanced Site-based Management.

## § 22.1-212.16. Definitions.

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

"Contract application" means a proposal presented to a local school board to request the granting of a contract to one of its supervised public elementary or secondary schools for enhanced site-based management.

"Contract petition" means 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 B1 and B2 of § 22.1-212.17 as well as the school-community commitment plan and the school improvement plan required pursuant to subdivisions B3 and B4 of § 22.1-212.17.

"Contract 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 contract for enhanced site-based management.

"Enhanced site-based management contract" means an agreement between the local school board and one of its supervised schools for the granting of a contract, 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-community commitment plan" means mechanisms and processes for (i) ensuring the involvement of school personnel and students' families and, in the case of a high school, the students, in (a) developing all components of the school improvement plan and (b) monitoring the progress and evolution of the school improvement plan; and (ii) soliciting and including the ideas, opinions, and concerns of school personnel and students' families and, in the case of a high school, the students. The school-community commitment plan shall also include (i) opportunities for broad input from the community at large, (ii) a strategy for strong and continuing family involvement, and (iii) the establishment of a school management advisory committee which shall be appointed by the local school board.

"School improvement plan" means documentation of (i) measurable and academically challenging educational achievement goals, including proposals for improving student learning and student scores on the appropriate Standards of Learning assessments, clear performance-based and student-achievement-based objectives, and the proposed performance criteria for measuring these objectives and determining student progress during the contract 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 a waiver 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.

"School management advisory committee" means the group established in the school-community commitment plan to provide input from the students' families, the community at large, and the teachers and administrators of the contract school in the implementation of the contract school. The committee shall (i) be appointed by the local school board, (ii) meet at least four times per year to review and evaluate the results of the school's activities, and (iii) consist of, in its membership, at least fifty percent students' family members.

INTRODUCED

HB1629

60 "Students' families" means the parents, guardians or other persons having control or charge of those  
61 students who are currently counted in the average daily membership of the relevant school.

62 "Supervising school board" or "school board" or "local school board" means the school board of the  
63 school division in which the petitioning school is located.

64 § 22.1-212.17. Contract schools; procedure for establishment; attendance and transfer.

65 A. The General Assembly finds that students living in poverty are at risk of poor academic  
66 performance and that involving the teachers and families of such students and the community in school  
67 management and decisions improves educational quality and student achievement. Therefore,  
68 mechanisms are necessary to assist the teachers and parents of students in schools that have twenty-five  
69 percent or more at-risk students in average daily membership in the execution of an agreement to  
70 establish a contract school for enhanced site-based management.

71 B. To encourage the development of high academic standards, measurable achievement goals,  
72 effective teaching methods, and expanded educational opportunities for parents and students, any local  
73 public school may prepare and submit to its supervising school board a contract petition and contract  
74 application according to the following order and schedule:

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

77 2. Agreement by secret ballot of fifty percent of the families of the total number of students in  
78 average daily membership in the school to the development of school-community commitment and school  
79 improvement plans; however, the families of each student shall have only one vote between them and  
80 any families having more than one student in the school shall only be provided one ballot for the  
81 purposes of calculating fifty percent of the families;

82 3. Development of a school-community commitment plan, which shall include the establishment of a  
83 school management advisory committee as defined in § 22.1-212.16 and shall contain a plan for strong  
84 and continuing family involvement;

85 4. Development of a school improvement plan as defined in § 22.1-212.16;

86 5. Agreement, after review of the school-community commitment and school improvement plans, by  
87 secret ballot of two-thirds of the licensed school personnel of the relevant school, to the submission of a  
88 contract petition to the supervising school board;

89 6. Compilation of the contract petition, consisting of documentation for the agreements and plans  
90 required in subdivisions 1 through 4 of this subsection, and preparation of the contract application, in  
91 accordance with the Board of Education's regulations;

92 7. Submission of the contract petition and contract application to the supervising school board for  
93 review.

94 C. Within sixty days of submission of the filing of a contract petition and a contract application, the  
95 supervising school board shall first review the contract petition for compliance with this article and  
96 such other standards as such school board shall require and may approve or disapprove the petition.  
97 Upon approving the contract petition, the school board shall review, in accordance with Board of  
98 Education regulations, the contract application. After reviewing the terms of the contract application,  
99 the school board shall grant or deny the contract application.

100 D. If the contract petition is disapproved by a supervising school board, the petitioning school shall  
101 be informed in writing, within thirty days of submitting the petition by the disapproving body, of the  
102 reasons for disapproval and of corrective actions that may be taken to obtain approval. Schools denied  
103 contract petition approval by a supervising school board may resubmit a contract petition. All  
104 agreements shall be obtained and all plans shall be completed as required for the initial submission.

105 E. If the contract application is denied because of disagreement over the terms of the contract, the  
106 school board and the individuals compiling the contract petition may negotiate a new contract or the  
107 school board may require that the contract be revised to comply with the requirements of this article.

108 F. The student body of a contract school shall consist of individuals of school age living within the  
109 school's attendance zone as such attendance zone was configured at the time of the petition. However,  
110 any child living within the contract school's attendance zone whose parent requests a transfer shall be  
111 allowed to attend another public school within the school division. Further, if the school can  
112 accommodate students who attend other schools within the jurisdiction of the school division and do not  
113 live within the school's attendance zone, the parents of such students may request a transfer to the  
114 contract school. All school boards that approve contract petitions shall provide procedures for allowing  
115 student transfers and shall grant student transfers on a first-come-first-served basis.

116 Any licensed school personnel and teacher's aides assigned to a school granted a contract may  
117 request a transfer to another school. School boards shall grant such transfer requests for the first  
118 comparable vacant position or may arrange for the exchange of comparable personnel, upon the  
119 agreement of individuals being transferred to the contract school.

120 G. All contract schools shall annually report, by November 1 of each year, to the local school board  
121 and to the students' families. The reports shall cover all of the requirements of this section and the

programs of the school, including a detailed description of the activities for involving students' families in the schools' implementation and evolution. Each school board shall assess, by December 1 of each year, the progress of any approved contract schools within its jurisdiction and shall report such assessment to the Board of Education. The first such reports shall be due on November 1 and December 1 of the year following the approved of the contract school for operation.

§ 22.1-212.18. Board of Education authority.

A. The Board of Education shall establish, pursuant to the Administrative Process Act (§ 9-6.14:1.1 et seq.), regulations providing criteria and procedures for local school boards to grant contracts for enhanced site-based management which shall include:

1. Compliance with the requirements of this article;
2. Instructions and forms;
3. Annual review of the contract by the local school board;
4. Annual reports from the contract schools to the students' families, the supervising school boards, and the Department of Education;
5. Site-based evaluations of the contract schools by the local school boards;
6. Procedures for the local school board to declare the contract null and void if over two-thirds of the licensed school personnel of the designated school or more than fifty percent of the families of students in average daily membership request the canceling of the contract or if, at any time, the school fails to fulfill the terms and conditions of the contract;

7. Procedures for updating the terms and conditions of contracts, agreed to by all parties and subject to the agreement of two-thirds of the licensed school personnel employed in the designated contract school;

8. Any waivers of requirements in Board of Education regulations; however, compliance with the Virginia Constitution and the Standards of Quality and relevant federal law shall always be required;

9. Requirements for in-service training for all faculty and staff in management procedures;

10. Guidelines for flexible site-based operation and management.

B. The local school board may grant initial contracts for enhanced site-based management for a three-year period; thereafter, the school board may renew the contract for a one- to three-year period, upon the completion of the requirements of § 22.1-212.17.

C. Beginning in January 2002, the Board of Education shall report annually in January of each year to the Governor and the General Assembly on the status of contract schools for enhanced site-based management.

§ 22.1-212.19. Limitations.

No contract shall be granted under this article that authorizes the conversion of any private school to a contract school for enhanced site-based management.

§ 22.1-212.20. 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 contract school for enhanced site-based management 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 contract school. Further, in the establishment or operation of any contract school, this article shall be construed to require strong and continuing family involvement and to encourage the involvement of a broad-based community coalition.

**2. The Board of Education shall promulgate the first set of such regulations to implement this act to be effective within 280 days or less of the enactment of this provision.**