

Board of Education Agenda Item

Item: D.

Date: November 18, 2010

Topic: First Review of the Criteria for Charter Schools, the Application for Charter Schools, and the Procedures for Receiving and Reviewing Charter School Applications

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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting

Action requested at future meeting: January 13, 2011

Previous Review/Action:

No previous board review/action
 Previous review/action
dates _____
actions _____

Background Information: HB 1390 (Lingamfelter) and SB 737 (Newman), passed by the 2010 General Assembly and signed by the Governor, amended the provisions in the *Code of Virginia* related to charter schools. The legislation requires a public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board.

The legislation also provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Section [22.1-212.5](#) of the *Code of Virginia* defines a public charter school as “a public, nonreligious, or non-home-based alternative school located within a public school division. A public charter school may

be created as a new public school or through the conversion of all or part of an existing public school; however, no public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A charter school for at-risk pupils may be established as a residential school.”

Section [22.1-212.9](#) of the *Code of Virginia* requires all applications for public charter schools to be submitted to the Virginia Board of Education for review prior to submission of the application to the local school board. The Board is required to establish procedures of receiving and reviewing applications, and making a determination as to whether the application meets approval criteria developed by the Board. The *Code* further provides that the Board's review would examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law.

§ 22.1-212.9. Review of public charter school applications.

A. Public charter school applications shall be received and reviewed by the Board of Education and local school boards or, in the case of a regional public charter school, by all of the relevant school boards, as provided in subsection C.

The Board of Education and each local school board shall establish procedures for receiving, reviewing, and, in the case of local school boards, ruling upon applications. The Board of Education and local school boards shall post their procedures on their websites and make a copy of the procedures available to all interested parties upon request. If any such board finds the public charter school application is incomplete, the board shall request the necessary information from the charter applicant.

B. To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist local school boards in their decisions to grant or deny a public charter school application, local school boards shall establish a procedure for public notice and to receive comment on public charter school applications. A local school board shall give at least 14 days' notice of its intent to receive public comment on an application.

C. Prior to submission of an application to a local school board for review, the public charter school applicant shall submit its proposed charter application to the Board of Education for its review, comment, and a determination as to whether the application meets the approval criteria developed by the Board. The Board's review shall examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law. The Board's review and comment shall be for the purpose of ensuring that the application conforms to such criteria, and the Board shall make a determination as to whether the application meets the approval criteria developed by the Board. Nothing in this section shall prevent a local school division from working with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

Section [22.1-212.8](#) of the *Code of Virginia* specifies what the public charter school application must include:

§ 22.1-212.8. Charter application.

...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.
3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.
4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.
5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § [22.1-253.13:3](#); the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.
7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.
8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.

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

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

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

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

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

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

15. [Expired.]

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

C. [Expired.]

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

The Board of Education's Charter School Committee met on June 23, July 21, September 22, and November 17.

At the June 23 meeting, the committee held a forum with national experts on charter schools:

- Mr. Randy Dowell, KIPP Foundation
- Mr. James W. Dyke, Jr and Mr. Curtiss Stancil, Edison Learning
- Mr. Todd Ziebarth, National Alliance for Public Charter Schools
- Mr. Andrew Broy, Illinois Charter School Network
- Mr. Don Soifer, Lexington Institute

At the July 21 meeting, staff presented background information to the committee.

At the September 22 meeting, the committee held a forum with Virginia stakeholders:

- Mr. Pat Lacy and Mr. Stuart Gibson, Virginia School Boards Association
- Dr. Phil Worrell, Virginia Association of School Superintendents
- Dr. Kitty Boitnott, Virginia Education Association
- Ms. Susan Bridges, Virginia Association of Elementary School Principals
- Dr. Randy Barrack, Virginia Association of Secondary School Principals
- Mrs. Anne Carson, Virginia PTA
- Mrs. Marcia Obenshain, Virginia Counselors Association

The principals from the four Virginia charter schools have been invited to give presentations at the November 17 meeting, which will be followed by a joint meeting with the College Partnership Laboratory School Committee to review the draft procedures and the application package.

Summary of Major Elements: The criteria for public charter schools are found in Attachment A. The procedures receiving, reviewing, and ruling upon an application are found in Attachment B. They include:

- Directions for submitting the application;
- Technical assistance provided upon request;
- Receipt of the application and determination of whether the application is complete;
- Review of the application by the Charter School Committee; and
- Review by the Board of Education.

The application package, found in Attachment C, includes the following:

- Applicant fact sheet;
- Narrative information
 - ✓ Executive summary;
 - ✓ Mission and vision;
 - ✓ Goals and educational objectives;
 - ✓ Evidence of support;
 - ✓ Statement of need;
 - ✓ Educational program;
 - ✓ Enrollment policies;
 - ✓ Economic soundness;
 - ✓ Displacement;
 - ✓ Management and operation;
 - ✓ Employment terms and conditions;
 - ✓ Liability and insurance;
 - ✓ Transportation;
 - ✓ Assurances required by the *Code*;
 - ✓ Residential charter school;

- ✓ Disclosures;
- ✓ Additional assurances and requirements; and

- Certification.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept the item for first review and authorize 30 days of public comment on the proposed criteria, procedures, and application package.

Impact on Resources: The impact on resources is not expected to be significant.

Timetable for Further Review/Action: Following a 30-day public comment period, this item is expected to be presented to the Board for final review and approval on January 13, 2011.

Attachment A

Criteria for Public Charter Schools

- The mission statement of the public charter school must be consistent with the principles of the Standards of Quality.
- The goals and educational objectives to be achieved by the public charter school must meet or exceed the Standards of Learning.
- There must be evidence that an adequate number of parents, teachers, pupils, or any combination thereof, supports the formation of a public charter school.
- There must be evidence of the need for the charter school in the school division (or relevant school divisions in the case of a regional public charter school), or in a geographic area within a school division (or relevant school divisions, as the case may be) as documented in the statement of need.
- There must be a description of the public charter school's:
 - ✓ Educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality;
 - ✓ Any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by §[22.1-253.13:3](#); and
 - ✓ The timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
- There must be a description of the lottery process to be used to determine enrollment. A lottery process must also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions. (Reference: § [22.1-212.6](#) of the *Code of Virginia*.)
- There must be evidence that the plan for the public charter school is economically sound for both the public charter school and the school division (or relevant school divisions, as the case may be), including:
 - ✓ A proposed budget for the term of the charter;
 - ✓ A description of the manner in which an annual audit of the financial and administrative operations of the public charter school; and

- ✓ Information about any services to be provided by the school division (or relevant school divisions, as the case may be).
- There must be a plan for:
 - ✓ The displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school if the charter school is converted from an existing public school to a public charter school, and
 - ✓ The placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter. (Reference: [§ 22.1-212.12](#), *Code of Virginia*.)
- There must be a description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school. (Reference: [§ 22.1-212.7](#), *Code of Virginia*.)
- There must be an explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. (References: §§ [22.1-212.13](#), [22.1-296.1](#) and [22.1-296.2](#), *Code of Virginia*.)
- There must be an agreement between the parties regarding their respective legal liability and applicable insurance coverage. (References: [§ 22.1-212.16](#), *Code of Virginia*.)
- There must be a description of how the public charter school plans to meet the transportation needs of its pupils.
- There must be assurances that the public charter school is nonreligious in its programs, admission policies, employment practices, and all other operations.
- There must be an assurance that the public charter school does not charge tuition.
- In the case of a residential charter school for at-risk students, there must be a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.
- There must be disclosure of any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

Attachment B

Virginia Public Charter Schools Submission Procedures and Board of Education Review

Submission of the Application

Applications for public charter schools should be submitted to the Board of Education within a time frame that is adequate to ensure that the public charter school application will be submitted to the respective local school board in a manner that takes into consideration application policies of the local school board. Unless otherwise addressed by such local school board policies, an applicant should consider allowing for at least 18 months from the time the application is submitted to the local school board to the proposed opening date for the public charter school.

Applicants must adhere to the form prescribed by the Board, which addresses the application elements stated in [§ 22.1-212.8](#), *Code of Virginia*. Applications may be submitted electronically or by hard copy to the Executive Assistant for the Board of Education.

Technical Assistance

There is nothing that prohibits a prospective applicant from contacting a school division for assistance in advance of submitting an application to the Board. The Board encourages an applicant to do so as working with a school division prior to submission helps ensure a smooth transition for any public charter school that may be approved by a local school board and then established within a school division.

If an applicant submits its application to a local school board and the application is not approved, or if the charter of a current school is revoked or not renewed by a local school board, then the applicant or charter school operator may petition the local school board for reconsideration. Prior to such petition, the applicant or charter school operator may seek technical assistance from the Virginia Department of Education (VDOE). VDOE staff will work with each applicant or charter school operator on a case-by-case basis in order to address individual needs.

Receipt of the Application

When the Board receives an application, VDOE staff, on behalf of the Board, will send an acknowledgement to the applicant. VDOE will determine, on behalf of the Board that an application is complete when all of the required application elements have been submitted in the required format.

If the application is deemed incomplete, the VDOE will notify the applicant within 15 business days of receipt of the application and request that the outstanding information be submitted within 30 business days of such notification to the applicant that additional information is needed.

If an applicant fails to respond to the initial request for additional information, the VDOE will contact the applicant and will make a second request for any outstanding information. In this communication, VDOE will indicate that the application will not be considered for review by the Board's Charter Schools Committee until all information is received. The applicant may withdraw his application at any time during the initial process and resubmit it at a later time.

If the application is deemed complete by VDOE, it will be sent to the Board's Charter Schools Committee members. The committee may appoint an advisory work group to review the application and provide the committee with technical expertise.

Review by the Charter Schools Committee

The applicant must attend a meeting with the Board committee. VDOE staff, on behalf of the Board, may also invite representatives of the applicable local school board to attend the meeting.

All meetings of the Board's Charter Schools Committee are publicly noticed at: http://www.doe.virginia.gov/boe/committees_standing/index.shtml#lab and all meetings are open to the public.

At the meeting with the Charter Schools Committee, the applicant will be asked to discuss the contents of the application and address the committee members' questions. The committee may request public comment or schedule public hearings on the application to provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board in its evaluation of a public charter school application.

Action by the Board of Education

Following the meeting of the applicant with the Board's Charter Schools Committee, VDOE will assist the committee in preparing a report to the full Board with the recommendation of the committee as to whether the application meets the Board's approval criteria. A copy of the report will be provided to the applicant within ten business days of the committee meeting.

The report will be presented to the full Board at the next regularly scheduled Board meeting. The applicant will be requested to attend this meeting to answer questions or make comments on the application.

At this meeting, the Board will take one of the following actions:

1. The Board will render a decision that the application meets the Board's approval criteria.

Following action by the Board, the applicant will be formally notified by the VDOE of the Board's action within five business days. Concurrent with its notification to the applicant, the applicable local school board will also receive a formal notification of the Board's action.

2. The Board will render a decision that the application does not meet the Board's approval criteria.

The Board will provide the applicant with an opportunity to address any deficiencies in the application. The applicant may also withdraw his application at any time and resubmit it at a later date.

Following action by the Board, the applicant will be formally notified by the VDOE of the Board's action within five business days. Concurrent with its notification to the applicant, the applicable local school board will also receive a formal notification of the Board's action.

Attachment C

Virginia Public Charter School Application Package

For the purpose of full disclosure and to benefit the local school board, the application package submitted to the Board must be included as part of the application made to the local school board.

Applicant Fact Sheet

The applicant fact sheet provides basic information concerning the nature of the proposed public charter school, contact information for the applicant, and the applicant's prior experience. The fact sheet contains the following information:

- Applicable local school board;
- Applicant contact information, including name, title/affiliation, address, telephone number, e-mail address;
- Name of the proposed school;
- If the applicant has identified a facility suitable for a school, information about the location and ownership of the facility;
- Proposed opening date of the school;
- Proposed date that an application for charter approval will be made to the applicable local school board;
- Grades to be served by the school;
- A description of any specialized focus (such as, but not limited to: science, technology, engineering, mathematics [STEM]; at-risk students; special education; career and technical education; and gifted education), if applicable;
- A description of any prior experience with establishing charter schools and/or similar schools, including the name of the applicable state, the name of the school, years of operation, contact information, and (if the school is no longer operating) the reasons for closure; and
- A description of the prior or relevant experience of the members of the management committee.

Narrative Information

- I. **Executive Summary:** This summary should address the need for the public charter school and its goals and objectives.
- II. **Mission and Vision:** The statement must be consistent with the principles of the Standards of Quality. The following components should be addressed:
 1. A description of the public charter school's mission and show how it is consistent with the principles of the Standards of Quality (Reference: § [22.1-253.13:1](#), paragraph A, *Code of Virginia*);
 2. A description of any specific area of academic concentration; and
 3. Information about the public charter school's anticipated student population, consistent with § [22.1-212.6](#) of the *Code of Virginia*.
- III. **Goals and Educational Objectives:** The goals and objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning. The following components should be addressed:
 1. A description of the performance-based goals and related measurable educational objectives to be achieved by the public charter school (Reference: § [22.1-253.13:1.B](#), paragraph A, *Code of Virginia*);
 2. For each grade or course in the public charter school, please provide a detailed description of how the Standards of Learning and the corresponding Standards of Learning Curriculum Framework will be used as the foundation for curricula to be implemented. Include within the description how the goals and objectives of the curricula will meet or exceed the Standards of Learning, address student performance standards, relate to state and federal assessment standards, and include measurable student outcomes;
 3. A description of the public charter school assessment plan to obtain student performance data, which includes how these data will be used to monitor and improve achievement and how program effectiveness will be measured over a specified period of time. The applicant also needs to provide benchmark data for how student achievement will be measured. The applicant must address how these data will be established and documented in the first year of operation and how the data will be measured over the successive four-year period before the charter of such school is renewed by the local school board. The benchmark data should address targets for student improvement to be met in each year; and
 4. A description of any assessment other than the Standards of Learning assessments that may be used to measure progress during the academic year.
- IV. **Evidence of Support:** The applicant should provide evidence that an adequate number of parents, teachers, pupils, or any combination thereof, supports the formation of a public charter school. The following components should be addressed:

1. Information and materials indicating how parents, the community, and other stakeholders were involved in supporting the application for the public charter school;
2. Tangible evidence of support for the public charter school from parents, teachers, students, and residents, or any combination thereof, including information regarding the number of persons and organizations involved in the process; and
3. A description of how parental involvement will be used to support the educational needs of the students, the school's mission and philosophy, and its educational focus.

V. **Statement of Need:** The applicant should provide a statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be. The following components should be addressed:

1. A statement of the need for a public charter school that addresses the anticipated school population to be served and the reasons for locating the school within a particular school division;
2. An explanation as to why the public charter school is being formed - for example, if the school is being formed at the requests of parents or community organizations, and how the need was determined; and
3. An explanation as to why a public charter school is the appropriate vehicle to address the need as outlined in the mission statement.

VI. **Educational Program:** The applicant should provide a description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by [§22.1-253.13:3](#); the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards. The following components should be addressed:

1. A description of the public charter school's educational program;
2. A description of the pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality, §§ [22.1-253.13:1](#) through [22.1-253.13:9](#), *Code of Virginia*;
3. Any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by § [22.1-253.13:3](#), *Code of Virginia*;
4. The timeline for achievement of pupil performance standards, in accordance with the Standards of Learning;

5. An explanation of the general procedures for corrective actions needed in the event that pupil performance at the public charter school falls below the standards outlined in the Board of Education's [*Regulations Establishing Standards for Accrediting Public Schools in Virginia*](#), 8 VAC 20-131-310;
6. Information regarding the minimum and maximum enrollment per grade as well as class size and structure for each grade served by the public charter school;
7. Information regarding the proposed calendar and daily schedule, including any plans to open prior to Labor Day and, if so, how and when a waiver to open early will be submitted by the local school board to the Board of Education, under [§ 22.1-79.1](#), *Code of Virginia*;
8. A description of plans for identifying and serving students who are:
 - Students with disabilities;
 - English Language Learners (ELL)
 - Academically at-risk; or
 - Gifted and talented.

Such plans must comply with state and federal laws and regulations.

9. A description of the learning environment and instructional strategies to be used at the public charter school, including scientifically research-based instructional strategies to ensure that student engagement and achievement are occurring;
10. If the public charter school plans to utilize virtual learning in its educational program, a description of how virtual learning will be used and estimates of how many students may participate;
11. A general description of any alternative accreditation plan, in accordance with the Board of Education's [*Regulations Establishing Standards for Accrediting Public Schools in Virginia*](#) (8 VAC 20-131-280), that the public charter school would request the local school board to submit to the Board of Education for approval; and
12. In reference to serving students with disabilities, a general description of any alternative accreditation plan, in accordance with the Board of Education's [*Regulations Governing Special Education Programs For Children With Disabilities in Virginia*](#) (8 VAC 20-80-40) that the public charter school would request the local school board to submit to the Board of Education for approval.

- VII. **Enrollment Policies:** A description of the lottery process to be used to determine enrollment, should the number of applications for admission exceed available enrollment slots.

A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or,

in the case of a regional public charter school, in effect for any of the relevant school divisions. (Reference: § [22.1-212.6](#) of the *Code of Virginia*, which states: “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. 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.”)

The following components should be addressed:

1. A description of the lottery process to be used to determine public charter school enrollment on a space-available basis, including the establishment of a waiting list for students for whom space is not available;
2. If appropriate, a description of a tailored admission policy that meets the specific mission or focus of the public charter school;

This policy shall be consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.

3. A timeline for when the lottery process will begin for the first academic year of enrollment and when parents will be notified of the outcome of the lottery process;
4. Any enrollment-related policies and procedures that address special situations, such as the enrollment of siblings and children of faculty and founders and the enrollment of nonresident students, if applicable. Consistent with a public charter school’s mission and purpose that may address special populations of students, the applicant must indicate how it will ensure that community outreach has been undertaken so that special populations are aware of the formation of the public charter school and that enrollment is open to all students residing in the school division where the public charter school is located or in school divisions participating in a regional charter school; and
5. A description of how the transfer of students to and from the public charter school will be accomplished and how the enrollment of students after the school year begins will be accommodated.

VIII. Economic Soundness: Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted. The following components must be addressed:

1. A description of the public charter school's financial plan, including financial controls and audit requirements in accordance with generally accepted accounting principles;

2. Start-up and five-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures;
3. Start-up and five-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue;
4. Description of anticipated fundraising contributions, if applicable; and
5. A description of the funding agreement that the public charter school intends to have with the local education agency, including information regarding anticipated local, state, and federal per-pupil-amounts to be received and any information pertaining to the maintenance of facilities.

IX. **Displacement:** A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter. (Reference: [§ 22.1-212.12](#), *Code of Virginia*.) The following components should be addressed:

1. Identification of a member of the school's leadership who will serve as a single point of contact for all that may need to take place in order for the school to close including, but not limited to, the transfer of students to another school, the management of student records, and the settlement of financial obligations;
2. A notification process for parents or guardians of students attending the school and teachers and administrators of the closure date;
3. A notification process to parents or guardians of students attending the public charter school of alternative public school placements within a set time period from the date that the closure is announced;
4. Provisions for ensuring that student records are provided to the parents or guardians or another school identified by the parent or guardian within a set time period. If the student transfers to another school division, provisions must be made for the transfer of the student's record to the school division to which the student transfers upon the request of that school division. (Reference: [§ 22.1-289](#) of the *Code of Virginia*.);
5. Notification to the local school board of a list of all students in the school and the names of the schools to which these students will transfer;
6. A placement plan for school employees that details the level of assistance to be provided within a set period of time from the date of closure. For teachers and administrators, the level of assistance should address finding employment within the school division where the public charter school is located or other public school divisions; and
7. A close-out plan related to financial obligations and audits, the termination of contracts and leases, and the sale and disposition of assets within a set period of time from the date of

closure. The plan shall include the disposition of the schools' records and financial accounts upon closure.

X. **Management and Operation:** A description of the management and operation of the public charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school. (Reference: [§ 22.1-212.7](#), *Code of Virginia*.) The following components should be addressed:

1. A description of the functions, roles, and duties of the management committee and its proposed composition and bylaws. The description must detail the specific role of the management committee in the operation and oversight of the public charter school;
2. An explanation of how support services will be provided. These services include, but are not limited to:
 - Food services;
 - School health services;
 - Custodial services;
 - Extracurricular activities; and
 - Security services;
3. An explanation of any partnerships or contractual relationships central to the school's operations or mission, including information regarding the relationship of all contractors to the governing board of the public charter school, and information regarding how contractors and the employees of the contractors having direct contact with students will comply with the provisions of [§ 22.1-296.1](#), *Code of Virginia*. (Contractual relationships include procuring the services of an education management organization, food services, school health services, custodial services, and security services.);
4. A detailed start-up plan, identifying tasks, timelines, and responsible individuals;
5. A proposed organization chart; and
6. Plans for recruiting school leadership and staff.

XI. **Employment Terms and Conditions:** An explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. (References: §§ [22.1-212.13](#), [§ 22.1-296.1](#) and [§ 22.1-296.2](#), *Code of Virginia*.) The following components should be addressed:

1. A plan that addresses the qualifications of teachers and administrators at the public charter school, including compliance with state law and regulation regarding Board of Education licensing endorsements;
2. A plan to provide high quality professional development programs (Reference: [§ 22.1-253.13:5](#), *Code of Virginia*);

3. Provisions for the evaluation of staff at regular intervals and in accordance with state law and regulation;
4. Provisions for a human resource policy for the public charter school that is consistent with state and federal law;
5. Notification to all school employees of the terms and conditions of employment; and
6. A staffing chart for the school's first year and a staffing plan for the term of the contract.

XII. **Liability and Insurance:** An agreement between the parties regarding their respective legal liability and applicable insurance coverage. (Reference: § [22.1-212.16](#), *Code of Virginia*.) The following components should be addressed:

1. The types of insurance for the charter school, its property, its employees, the charter school management committee, and the board and the levels of coverage sought. Types of insurance include, but are not limited to:
 - General liability;
 - Health; and
 - Property;
2. A justification for each type of coverage sought; and
3. A description of any plans of the public charter school to provide indemnity for the local school division.

XIII. **Transportation:** A description of how the public charter school plans to meet the transportation needs of its pupils. The following components should be addressed:

1. A description of how the transportation of students will be addressed. This plan should address whether transportation will be provided by:
 - The local school division;
 - The public charter school;
 - The parent(s); or
 - A combination of these options;
2. If transportation services will be provided to students by the public charter school, indicate whether the school will contract for transportation with the local education agency or with another entity or have its own means of providing transportation, and describe those means. Please indicate whether transportation will be provided to all students attending the school;
3. A description of transportation services for students with disabilities. (Section [22.1-221](#), *Code of Virginia*, states that each “disabled child enrolled in and attending a special education program provided by the school division pursuant to any of the provisions of § [22.1-216](#) or § [22.1-218](#) shall be entitled to transportation to and from such school or class at no cost if such transportation is necessary to enable such child to obtain the benefit of educational programs

and opportunities.” Also, the Board’s [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#) state the following: “Each child with a disability, aged two to 21, inclusive, placed in an education program, including private special education day or residential placements, by the local school division shall be entitled to transportation to and from such program at no cost if such transportation is necessary to enable such child to benefit from educational programs and opportunities. Children with disabilities and children without disabilities shall share the same transportation unless a child's IEP requires specialized transportation.”); and

4. An assurance that transportation will be provided consistent with state law and regulation. (Reference: §§ [22.1-176](#), [22.1-182](#), [22.1-186](#), [22.1-191](#), [22.1-221](#), [22.1-216](#), [22.1-218](#), *Code of Virginia* and the Board of Education’s [Regulation Governing Pupil Transportation](#).)

XIV. Assurances Required by the Code of Virginia: By signing and submitting this application, the applicant expressly assures the Board that:

1. No tuition will be charged to students;
2. The school is nonreligious in its admission policies, employment practices, and all other operations;
3. The public charter school policies and procedures are in compliance with the federal *Family Educational Rights and Privacy Act* (FERPA) and the records retention schedules for public schools, and evidence that such policies and schedules will be acceptable to the local education agency; and
4. The proposed public charter school programs, services, and activities will operate in accordance with all applicable federal and state laws and regulations, including the Virginia Freedom of Information Act.

XV. Residential Charter School: In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives. The following components should be addressed:

1. A description of the residential program to include: a) the educational program; b) a facilities description to include grounds and dormitories; c) a program for parental education and involvement; d) a description of after-care initiatives; e) funding sources to support the costs of maintaining the residential facility; f) counseling and other social services to be provided; and g) a description of enrichment activities available to students; and
2. A description of how the facility will be maintained including, but not limited to: a) janitorial and regular maintenance services and b) security services to ensure the safety of students and staff.

XVI. Disclosures: Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed

public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter. The following components should be addressed:

1. A description of how the applicant and members of the management committee will disclose any ownership or financial interest.
2. Information regarding the frequency by which such disclosures will be made. (Reference: § [2.2-3114](#), *Code of Virginia*.)
3. A description of ownership or financial interest of the applicant and/or members of the management committee in the proposed charter school. This includes any relationships that parties may have with vendors performing services at the school.
4. An assurance that the applicant has knowledge of the Virginia Conflict of Interest Act and the Virginia Public Procurement Act.

XVII. Additional Assurances and Requirements: Additional components of the application that are not contained in the *Code of Virginia*. The following components should be addressed:

1. The applicant must provide an assurance that, if an application is approved by a local school board, the applicant will take all actions necessary to enter into a contract with the local school board no later than nine months prior to the opening date of the public charter school;
2. The application must provide information regarding the proposed term of its contract with a local school board. Section [22.1-212.12](#), *Code of Virginia*, states: “A charter may be approved or renewed for a period not to exceed five school years.” The applicant must also provide information regarding its proposed agreement with the local school board regarding notice should a charter be revoked or fail to be renewed;
3. The applicant must provide an assurance that, if an application is approved by a local school board, the school leadership of the public charter school will be retained on contract no later than six months prior to the opening date of the school;
4. The applicant must include a listing of all waivers to state regulations needed for the public charter school at the time of its opening. This does not preclude a public charter school from working with the local school board to request additional waivers once the school is operational. Along with this listing, the applicant must also provide an assurance that, if an application is approved by a local school board, all requests for waivers from the Board of Education will be made by the local school board, on behalf of the applicant, no later than six months prior to the opening date of the school;
5. The applicant must provide facilities information including, but not limited to:
 - The provision of suitable instructional space;
 - Provisions for library services;
 - Provisions for the safe administration and storage of student records and student medications;
 - Information regarding compliance with building and fire codes and compliance with the federal *Americans with Disabilities Act* (ADA);

- General information on emergency evacuation plans;
 - Information regarding site location and preparation;
 - The structure of operation and maintenance services; and
 - Financial arrangements for facilities, including any lease arrangements with school divisions or other entities and whether debt will be incurred;
6. In reference to serving students with disabilities, the applicant must provide a description of how services will be rendered to this population of students attending the public charter school, including the extent of the involvement of the local school board in providing for such services. The public charter school must assure that it will comply with all provisions of the Board of Education's [Regulations Governing Special Education Programs For Children With Disabilities in Virginia](#); and
7. The applicant must provide a model Student Code of Conduct policy that addresses student behavior, discipline and participation in school activities. The plan should identify the role of teachers and administrators in discipline and mentoring and must demonstrate compliance with the code of conduct policy of the applicable local school board.

Certification

The applicant must certify that to the best of his/her knowledge, the information in this application is correct, that the applicant has completed all elements of the application, and that the applicant understands the assurances given in this application and will comply with them.