

Board of Education Agenda Item

Item: G.

Date: January 13, 2011

Topic: Final 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: _____

Previous Review/Action:

No previous board review/action

Previous review/action
dates November 18, 2010
actions First review

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

Two of the principals and one founder of three Virginia charter schools gave presentations at the November 17 meeting. They are:

- Mr. Walter Cross, Principal, York River Academy;
- Ms. Sandy Richardson, Founder, Albemarle Community Public Charter School; and
- Ms. Pamela Boyd, Principal, Patrick Henry School of Science and Arts.

This was followed by a joint meeting with the College Partnership Laboratory School Committee reviewing the draft procedures and the application package.

Summary of Major Elements: The criteria for public charter schools are found in Attachment A.

The procedures for 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:

1. Applicant fact sheet;
2. 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

3. Certification.

The Board of Education authorized a 30-day period of public comment on the criteria, procedures, and application. Eleven comments were received from the following: Virginia State Conference NAACP Education Committee and the Powhatan Branch NAACP; two prospective charter school applicants, Imagine Schools and Mason District Leadership Academy; JustChildren; the Arlington School Board; Chesapeake Public Schools; Lexington Institute; a member of the board of Patrick Henry School of Science and Arts; the co-founder of the Community Public Charter School; and the Virginia PTA. The comments included at the end of this item.

In response to the comments, six changes are recommended:

1. Page 10, Submission Procedures and Board of Education Review. Under Technical Assistance, language would be added to the first sentence to clarify that the prospective applicant may work with the local school board and the school division leadership and staff prior to any formal action taken by the Board of Education or the local school board:

“There is nothing that prohibits a prospective applicant from contacting a school division for assistance in advance of submitting an application to the Board **or the school division and its leadership from communicating with any applicant or potential applicant.**”

2. Page 11, Submission Procedures and Board of Education Review. Under Review by the Charter Schools Committee, a timeframe would be set for the meeting of the Charter Schools Committee:

“**The Charter School Committee will meet not later than 60 business days after the completed application is received by VDOE.**”

3. Page 14, Application Package. Under Goals and Objectives, language would clarify that the data would be measured each year of the term of the charter, which could be five years, or could be less than five years, as approved by the local school board:

“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~~ **each year of the term of the charter as approved** by the local school board.”

4. Page 18, Application Package. Under Economic Soundness, the applicant would be required to submit start-up and three-year budgets and cash flow projections, instead of five-year budgets and cash flow projections, as the tem of the charter could be less than five years:

“The following components must be addressed: Start-up and ~~five~~ three-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures; [and] Start-up and ~~five~~ three-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue...”

5. Page 19, Application Package. Under Management and Operation, reference would be made to the section of the Code that defines the charter school’s management committee:

“A description of the functions, roles, and duties of the management committee **as defined in § 22.1-212.6 of the Code of Virginia** and its proposed composition and bylaws.”

6. Page 22, Application Package. Under Additional Assurances and Requirements, the provision requiring the contract for the leadership of the charter school would be revised from six months prior to the opening date of the school to 60 days prior to the opening of school:

“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 60 days** prior to the opening date of the school...”

There were several comments that the Charter Schools Committee or the full Board of Education may want to address through technical assistance and guidance. The guidance and technical assistance could include, but not be limited to, the following topics:

1. Options for the provision of transportation for students attending charter schools;
2. Serving students with behavioral challenges;
3. Providing opportunities for parents and the community to participate in decisions affecting students, and policy decisions affecting the school;
4. Application fees and other fees that might be charged to charter schools; and
5. Funding that may be available to charter schools, including funds available through the Elementary and Secondary Education Act, Individuals with Disabilities Education Act, and the National School Lunch Program.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education approve 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: The Department of Education will notify school divisions and other individuals and organizations on the Board of Education’s list-serv, and will post the criteria, procedures, and application package on the department’s Web site.

Attachment A
Virginia Board of Education
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 Board of Education
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 **[or the school division and its leadership from communicating with any applicant or potential applicant]**. 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 Charter School Committee will meet not later than 60 business days after the completed application is received by VDOE.] he 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 Board of Education
Virginia Public Charter Schools - 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 must be included and must 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 must 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 must 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]~~ each year of the term of the charter as approved 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 must 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 but not limited to information regarding the number of persons and organizations involved in the process and petitions related to the establishment of the charter school; 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 must 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 must 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;

The following components should be addressed if applicable to the public charter school:

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 must 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:

- a. A description of the public charter school's financial plan, including financial controls and audit requirements in accordance with generally accepted accounting principles;
- b. Start-up and **[five three]**-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures;
- c. Start-up and **[five three]**-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue;
- d. Description of anticipated fundraising contributions, if applicable; and
- e. 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 must 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 must be addressed:

1. A description of the functions, roles, and duties of the management committee **as defined in § 22.1-212.6 of the Code of Virginia** 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 must 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 must 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 must 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 must 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 must 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 must 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 60 days** 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.

Public Comments on the Proposed Criteria, Procedures, and Application for Public Charter Schools

From: jbm
Sent: Monday, December 13, 2010 11:50 AM
To: Wescott, Anne (DOE)
Cc: State NAACP; Rev. Vines
Subject: Proposed Criteria, Procedures and Application for Public Charter Schools

The following questions /comments are being forwarded in regards to the above subject:

- * Will charter schools adhere to the same standards as traditional public schools; i.e. SOL's and AYP ?
- * Will teachers be subjected to the same background checks and certification requirements that are in place for teachers who seek employment in traditional public schools?
- * Will pay scales be modified or remain the same , ex. merit pay for teachers who teach the critical needs **subjects such as science & math ?**
- * The criteria set for children who will be selected to enroll in charter schools could be an issue. What happens to those students who could not be accommodated, will they be on a waiting list? What would determine when / if they could be enrolled ?
- * Who decides the curriculum ? With the necessary funding, resources and teachers, why can't the needs of these children be met in the classrooms of their specific schools ?
- * Realizing that charter schools are public schools; but funding will need to be allocated to those schools that will serve some of the children.....would this then be a possibility that some of the schools serving some of the neediest children..... closing ? What would happen to those children ?
- * Will there be legislation and / or policies written that will discourage discrimination, especially in the selection process of children being chosen to attend charter schools ?

We are aware that there is evidence to support the fact that some children do perform better in charter schools, just as there is evidence to the contrary. However, by the same token; we support good public schools that would allow ALL children in Virginia to be able to receive a quality education in the public schools of the Commonwealth.

***Virginia State Conference NAACP Education Committee
Janette Boyd Martin, Chair***

From: Roy Gamse
Sent: Thursday, December 16, 2010 6:05 PM
To: Wescott, Anne (DOE)
Cc: Michael DePass
Subject: Comments on the Criteria, Application, and Procedures for Reviewing Charter School Applications

Thank you for the opportunity to comment on the proposed "Criteria for Charter Schools, the Application for Charter Schools, and the Procedures for Receiving and Reviewing Charter School Applications. I am filing these comments on behalf of Imagine Schools. Headquartered in Arlington, VA, Imagine Schools is the nation's largest operator of charter schools, with 72 schools in 12 states and DC, serving 40,000 students (which is larger student enrollment than Norfolk and larger than Richmond and Roanoke combined). We are currently developing an application for one or more charter schools in Loudoun County to open in 2012, so we appreciate the effort of the Board of Education to implement the recent legislative changes in Virginia's charter law, which were intended to facilitate approval of high quality charter schools in Virginia.

Here are our comments on the November 18 draft:

1. SPECIFIED DURATION OF STATE BOARD REVIEW. By far our greatest concern is with the indeterminate length of time involved in the Board carrying out the review process. The Board should commit to a specific length of time, during which it will complete its review. Otherwise the Board's review could easily prevent the applicant from meeting the requirements it imposes.

For example, Attachment B says in the 1st paragraph of p. 9 that an applicant should allow 18 months from the time the application is submitted to the local school board to the proposed opening date for the public charter school. Without knowing how long the State Board's review will take, the applicant can only guess how long in advance to submit the application to the State Board for review.

Further, Section XVII of the application requirements on p. 20 specifies that the applicant will take actions necessary to enter into a contract with the local school board no later than 9 months prior to the opening date; that the school leadership must be retained on contract no later than 6 months prior to the opening date; and that state waivers must be made by the local school board 6 months prior to opening. All those depend on timely action by the local school board, but all of them could be impossible if the State review takes too long. Delays during the state review or by the local board could force delay of school opening if these are mandatory time intervals.

For the applicant to know how far in advance it must submit its application for State Board review, the State Board should specify the length of time it needs for review of an adequate application and commit to acting within that time limit. I suggest that 60 days should be ample for such a review. If these procedures

cannot be implemented within 60 days, perhaps some modification of the process is warranted. After all, the purpose of the legislation was to facilitate opening of charter schools, not to delay them.

2. **DEFINE MANAGEMENT COMMITTEE.** Attachment C requests at the bottom of page 11 "A description of the prior or relevant experience of the members of the management committee." What is the management committee? Could that possibly be the founding board of the school or the school's board that holds the charter? Could it be the operator of the school (e.g., Imagine Schools)? If the management committee is not the board of the charter school or the operator, what responsibilities should it have?
3. **RELATIONSHIP BETWEEN THE SCHOOL AND ITS EMPLOYEES.** Page 4 #10 and page 17 XI ask for evidence of the relationship between the school and its employees, including evidence that the terms and conditions of employment will have been addressed with affected employees. We understand that teachers and staff of the school are employees of the local school division hired upon the recommendation of the charter school. If that is the case, wouldn't the terms and conditions of employment be addressed by the school division when it completes the hiring process? How would the applicant provide evidence that the school division would address terms and conditions with its own employees? I would appreciate being told if my understanding that these are school division employees is incorrect.
4. **RETAINING SCHOOL LEADERSHIP ON CONTRACT SIX MONTHS PRIOR TO OPENING.** Section XVII of the application requirements on p. 20 specifies that the school leadership must be retained on contract no later than six months prior to the opening date. That is an excellent concept, but may not be practical. First, most excellent school leaders will be employed at other schools six months prior to opening and may not be able to sign such a contract. Further, there is the question of who pays the school leadership's salaries during that time period. If the local or state boards delay the approval process so that this time frame cannot be met, is there no provision to allow it to be waived? Also, if the school leaders are to be school district employees, will the school district pay their salaries six months prior to opening? If so, how will that be implemented, since the funding for the charter school only comes when the school is open with an enrollment that determines the level of funding? Will the State Board direct the school divisions to hire these individuals prior to funds being available to the charter schools? Will the costs of hiring them be borne ultimately by the school divisions, or will they then be able to reduce the later funding of the schools to cover that cost (which would then constrain their ability to operate within available funds)?
5. **LENGTH OF CHARTER.** In some places the document refers to a charter life of five years (III, 3. on page 12), and in other places it refers to up to five years. Which is correct? We prefer five years, since studies of charter schools have

shown that it takes more than three years for them to reach peak academic performance.

6. INFORMAL COMMUNICATION WITH LOCAL SCHOOL BOARD MEMBERS. I hope that the intention of the legislation and the Board's implementation of it is to accelerate the approval of high quality applications. Yet it could actually slow down the approval process if local school boards interpret it to mean that they should not interact constructively with applicants until the State Board's review is complete. It would be helpful if the Board's final documents were to encourage local school divisions to meet with and communicate with prospective applicants and if the final documents were to encourage applicants to submit applications informally to the school divisions for informal review when they are submitted to the State Board. That would help accelerate the process, which could be unintentionally slowed down by the State reviews.

Thank you for considering these comments. I would be happy to discuss them with Board members or staff if that would help improve the process.

Roy Gamse
EVP, Imagine Schools
1005 N. Glebe Road, Suite 610
Arlington, VA 22201

From: Stella Edwards
Sent: Wednesday, December 22, 2010 4:58 PM
To: Wescott, Anne (DOE)
Subject: Public Comments on Criteria for Public Charter Schools

Commenter:

JustChildren Program of Legal Aid Justice Center

Comments:

Current requirements JustChildren agrees with, and supports as a critical component to the proposed criteria:

- Serve students with disabilities, provide them with a free appropriate public education, and comply with all state and federal special education laws.

In order to ensure that all students have an equal and meaningful opportunity to be successful in the charter school setting, we believe that, like all public schools, charter schools should also meet the following minimum requirements:

- Provide free transportation; not just a plan to meet the transportation needs
- Serve students with behavioral challenges, implement a research-based positive behavioral support program, and refrain from using suspension and expulsion
- Provide frequent opportunities for parents and the community to participate in educational decisions affecting their children and in policy decisions affecting the school
- Meet or exceed the Commonwealth's standards for SOL pass rates and graduation rates, even if alternative accreditation plans are considered
- Ensure a strong governance and oversight (whether for-profit or non-profit)
- Provide, as part of the charter school report, data on students with disabilities (how many served, discipline, or other change in placement) and data on suspensions and expulsions by offense, age, grade, ethnicity, etc.

In addition, we believe charter schools should have an obligation to focus on meeting the needs of educationally at-risk students or, in cases where the proposed specialized focus is STEM, special education, career and technical education, or gifted education, provide a plan for recruiting economically disadvantaged and other at-risk students to apply for admission.

Thank you,

Stella

Stella Y. Edwards
Community Organizer
JustChildren Program
Legal Aid Justice Center
37 Bollingbrook Street
Petersburg, VA 23803

From: Eric Wolf Welch
Sent: Thursday, December 30, 2010 11:55 AM
To: Wescott, Anne (DOE)
Cc: Don Soifer; Philip Bernhardt; Vince O'Neill; spderose@fcps.edu; Chris Braunlich
Subject: Comments on State Board of Education's Proposed Criteria for Charter Schools

Mrs. Wescott,

Thank you for accepting comments on the State Board of Education's Proposed Criteria for Charter Schools. I have the following comments that I would like the Board of Education to consider:

COMMENT 1: Can the Board of Education clarify whether a charter school can be made for a specific geographic location within a school division? There seems to be some contradictory statements in the proposed regulations. The state code and the proposed policy the Board of Education is considering lists on p. 1:

*“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.”*

However, later in the Board of Education's proposed policy (on p. 9), it states:

“Enrollment shall be open to any child who is deemed to reside within the relevant school division.”

While I understand the latter statement is there to prevent any discrimination and promote more educational options for all children, it makes it more difficult to create a school for a specific “geographic area within a school division” that has a specific need. Take for example a charter school that is designed to serve the needs of a particular community that has at-risk students. If that charter school must open its enrollment to the entire county, it makes it more difficult to specifically target the needs of those at-risk students if other students from other communities (possibly not at-risk) are now open to enroll in the school. **My recommendation is for the Board of Education to amend the statement on p. 9 to add:**

“A charter school applicant in agreement with the local school division may target its enrollment to serve a specific geographic area within a school division, and based on geographic boundaries established by the school division, may give priority for enrollment of pupils living within those boundaries.”

This is already how public schools function around the state – pupils are limited to attend schools based on boundaries set by the school division. Those boundaries reflect the community in which pupils live. Why can't this also be the case for a public charter school? Adding this statement would give the power to the local school division, if they choose, to establish a charter school to serve the need of a specific geographic area (as stated on p. 1).

Many counties in Virginia are quite large and they have specific communities who could use additional educational options like a charter school. It does not seem logical for a school division to be forced to have a charter school enroll students from the entire county when the charter school is for a specific community.

Please consider this change to p. 9.

COMMENT 2: On p. 12, under Item “XIII: Transportation” can the Board of Education please list “other transportation source, such as public transportation” as a transportation option.

Many public charter schools in other states and jurisdictions have pupils use the public transportation system to go to and from school (sometimes with agreed upon discounted rates for pupils). While the way the policy is currently written does not prohibit a charter school having pupils use public transportation, I believe it is important for clarification that the Board of Education specifically list “other transportation source, such as public transportation” as an option. In particular, in urban areas where public transportation is an option for students, I believe it is important the Board of Education list this in its policy. The local school division and State Board of Education would still have the power when they review a charter application that proposes using public transportation as whether such an option is viable.

COMMENT 3: On p. 3 and 4, the process of reviewing a charter school application by the State Board of Education is described. Can the Board of Education put a specific timeline for how long it will take the Board’s Charter School Committee to review the application before scheduling a meeting with the applicant? My recommendation would be 30 business days.

There are specific time limits listed for the Committee completing its report after the meeting with the applicant (10 business days), for when the full Board will meet to review the application (at the next scheduled Board meeting after the Committee’s report is complete), and for when the Board notifies the applicant of its decision on the application (within five business days of the Board meeting).

I feel it is important for the charter school applicant and local school division that a specific time limit is given to the Committee for it to schedule a meeting with the applicant. The local school division will have its own deadline for when it requires the application, and it would be helpful to know what is the maximum time the state will take in reviewing an application. This will allow the applicant to gauge when they must submit the application to the state in order to have it returned from the state in time to submit to the local school division with the state Board of Education’s comments.

COMMENT 4: On p. 15, the requirements regarding a school facility are described. Considering having a viable facility is often the most important factor as to whether a charter school can exist, the Board of Education should list these facility requirements earlier in its policy. I would suggest making facilities a separate category with its own Roman numeral.

COMMENT 5: Items “III: Goals and Educational Objectives” and “VI: Educational Program” ask for very similar information. Is it possible to combine these two separate items into one item? I would suggest “Goals, Objectives and Educational Program.” Having this as one item would allow the applicant to more clearly list all of the curriculum and other educational matters in one place rather than repeating much of the information if these are left as two separate items. Or if they are separate items, put them back to back rather than having them be items III and then VI.

COMMENT 6: Some school divisions are including in their local policy on charter schools that charter school applicants that focus on “at risk” student populations be given priority. Does the state need to make a statement on at risk students being given a priority for a local school division to list that in their policy? Or does a local school division have the autonomy to give applicants that serve “at risk” students a priority? Can a local school division, without any mention of at-risk students getting a priority in the state policy, put in its policy a quota that “at least one-half of charter schools approved by the (school division) shall be designated for academically at-risk students?”

COMMENT 7: Some local school divisions are charging applicants an “application fee” (as much as \$2,000 per application). Does the State Board of Education need to make a statement in its policy about local school divisions charging an application fee? Does state law allow local school divisions to charge such a fee?

COMMENT 8: Some local school divisions are adopting in their local policy on charter schools that the charter school can be charged for specific items, such as the cost of any disciplinary hearings on charter students. Does the State Board of Education need to clarify what items a local school division may charge a charter school? It seems without any statement from the State Board of Education, much may be left to a local school division to charge a charter school for many items. **I suggest at the least, the State Board of Education provide a general statement in its policy that a local school division cannot place charges on a charter school that are out of the ordinary from the functions of other public schools or that are exorbitant as compared to the costs found in other public schools.**

Thank you for your consideration of these comments.

Sincerely,

Eric Wolf Welch
Public High School Teacher
Development Team Director for Mason District Leadership Academy
A Proposed Public Charter School for Fairfax County, Virginia

From: Kristen Larson
Sent: Friday, December 31, 2010 10:02 AM
To: Wescott, Anne (DOE)
Subject: Comments to Charter School Applications

Dear Ms. Wescott,

Don Soifer from the Lexington Institute forwarded me Superintendent Wright's memo asking for comments about the Virginia Board of Education's application process for charter schools. I have been involved as a member of the Board of Directors with Patrick Henry School of Science and Arts, Virginia's first elementary charter school, for nearly two years. The comments I am submitting are my own opinions and thoughts and are not representative of the board at large. We didn't have time to convene and review this document over the holiday, so I am submitting these comments on my own.

Introduction - Technical Assistance: It would be extremely useful to have a VDOE contact who is well versed in charter school norms on a state and national level. Although I was not involved with PHSSA during the application process, I understand that the feedback the board received from VDOE and the feedback they received from our LEA, Richmond Public Schools, varied greatly. Because RPS ultimately had the authority to approve or reject the charter, the school followed the feedback from the LEA. Having a VDOE contact who could work more closely with the LEA and/or prospective charter to provide information to both parties about 'national charter school norms' would be helpful. Additionally, having a 'go-to' person on the state level who could provide ongoing technical support on state charter school funding opportunities, law changes, and any other state related information would be extremely helpful.

Section VII - Enrollment Policies: In regards to the mention about mid-year transfer students, this issue is somewhat complicated. Since the Virginia state code says that any for space available there must be "a lottery process on a space-available basis," it appears that the transfer policy of students mid-year would need to be the same as the initial enrollment process. To do anything different would seem to be in conflict with Virginia State Code. This does make the process of mid-year transfers somewhat complicated and cumbersome, so it may be something that the Board could examine more closely.

Section VIII - Economic Soundness: Obviously, the financial soundness of a charter is one of the most closely examined aspects of charter schools. In regards to technical assistance provided by VDOE, it would be helpful to receive details of what charter schools in Virginia are legally entitled to in regards to funding, and what other schools currently receive. That may include per pupil funding, Title I money, National School Lunch Program or any other local, state or federal education funding that the schools in the state use to operate their districts. Additionally, this would be a great area where VDOE could provide information on national or state norms for funding, if such data

exists. Knowing what different funding streams are available to charter schools and what the charter needs to do to access those funds, would make it easier to put together a comprehensive and realistic budget.

Section XVII - The wording in point #1 about the contract, I would recommend not placing so much of the responsibility of the contract and that time limit (of 9 months) on the charter school. While it makes sense for the charter to enter into a contract at least 9 months to opening this school, saying that the charter should "take all actions necessary" may imply that the school may enter into a contract with the LEA that would not be in the best interest of the school. Perhaps if the LEA and charter were having problems with their contract negotiations, could VDOE provide a mediator to move the process along.

Thank you for considering my opinions and for allowing public comment. I have called VDOE several times over the last two years and have always received useful information.

Please call me if you have any questions.

Sincerely,
Kristen Nye Larson

From: Roberta Snow
Sent: Friday, December 31, 2010 12:22 PM
To: Wescott, Anne (DOE)
Subject: Proposed Criteria and process for Charter Schools

Dear Anne Wescott,

Thank you for collecting comments on the proposed criteria and the state process for Charter Schools. I read the document several times and found it to be thorough and covered all the possible areas a charter applicant must consider.

I do have some comments:

A charter applicant will have to have a very close relationship with the chartering district to get much of the information. Sometimes the process takes time and it is the negotiation at the time of chartering that reveals some of the information (busing, space, food services, etc.)

The application process does not suggest anything about innovation or raising the bar for education. It seems to be the same old model. Use the same process, use the same data collection, and use the same structures. Is there any way to suggest that you might be looking for more alternative ways of meeting the needs of students? If not, why have these schools? Can the document itself be a bit loftier? Can it suggest that this is really hard work to start a school and there are wonderful opportunities to reach constituencies that are not being reached yet?

My biggest concern is that the applicant does not seem to get any help from anyone. Why not put together a charter help group from existing charter schools and advocates to help support applicants as they proceed through the process. Maybe a manual could be developed. Also some examples of successful charter applications could guide people.

To be honest, the document does not sound like the state WANTS more charter schools. I want it to be inviting AND comprehensive.

Again, thank you for asking for commentary.

Bobbi Snow, Co-founder
The Community Public Charter School



Debra Abadie, President
Virginia PTA
1027 Wilmer Avenue
Richmond, Virginia 23227-2419
State Office Telephone Contact:
804.264.1234
www.vapta.org

TO: Mrs. Anne D. Wescott, Assistant Superintendent for Policy and Communications

FROM: Virginia PTA

RE: BOE Superintendent's Memo #304-10 Criteria for Public Charter Schools

Date: December 31, 2010

Thank you for providing an opportunity for public comment on the proposed criteria, procedures, and application for public charter schools.

During the Charter School Committee meeting on September 22, 2010, Debi Abadie, Virginia PTA President, participated on the panel and provided information about the Virginia PTA's positions regarding Charter Schools. We appreciate the opportunity to make contributions to the Committee's criteria proposals as outlined in Memo 304-10.

During the fall of this year, our state membership (over 300,000 members), was given the opportunity to vote on a new Policy Statement regarding Charter Schools. This policy passed and is now part of our VA PTA Legislation Program.

We are very pleased to note that many of our Virginia PTA positions have become part of the BOE proposed Public Charter Schools Application Package (sections in compliance with our positions are in blue highlights):

- Parental and school staff involvement in the charter's design, implementation, and governance ([Section IV. Evidence of Support](#))
- Meet the same state regulations as other public schools including required testing (SOLs), reporting and other requirements in the Standards of Accreditation unless these regulations are also waived for all public schools ([Section III. Goals and Education Objectives](#))
- Provide adequate procedures for assessment and evaluation as required by the local school division ([Section VI. Educational Program](#))
- Staffed by licensed professionals with adequate safeguards covering contract and employment provisions ([Section XI. Employment Terms and Conditions](#))

- Maintain health and safety standards for all students ([Section X. Management and Operations – School health services and Security services](#))
- Offer equal educational opportunity and be non-discriminatory ([Section VII. Enrollment Policies](#))

While we are pleased that BOE has implemented many of our recommendations, we maintain our concerns regarding planned funding for Public Charter Schools as noted from our position below:

- No negative impact on the regular public school programs, including no diversion of funds

As President Abadie noted in her comments to the committee, Virginia PTA's position is that public charter schools should be supported by specifically allocated public funds that do not exceed, and do not divert, funding from traditional public schools. We are well aware that when per pupil state funding is taken from one school, programs in that school may need to be cut back or even eliminated for the students who remain at the public school.

We value the options that charter school may give some families, however, the importance of maintaining and upgrading public schools currently being operated by each school division should be evaluated by the Board of Education when considering approval of new schools.

In closing, while Virginia PTA and National PTA support educational choices for all students to include charter schools, public funding of any school should require fiscal responsibility and accountability in order to provide a quality public education for all Virginia children.

Respectfully submitted by: Debi Abadie, VA PTA President, president@vapta.org

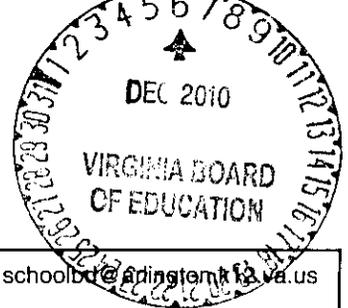
Debbie Kilpatrick, VA PTA Education Chair, education@vapta.org



**Arlington
School
Board**

1426 N. Quincy Street Arlington, VA 22207

PHONE: (703) 228-6015 FAX: (703) 228-7640 E-MAIL: schoolbd@arlington.k12.va.us



December DIVISION OF POLICY & COMMUNICATIONS

DEC - 9 2010

Hon. Eleanor B. Saslaw, President
Board of Education
Commonwealth of Virginia
PO Box 2120
Richmond, VA 23218

Dear Ms. Saslaw:

I understand the Board of Education is reviewing the recommendations of the Charter School Committee, and that the Board will receive public comments, review the public comments, and prepare the document for the Board's review and approval at the January meeting.

On behalf of the Arlington School Board, I am writing to set forth the position of our Board with regard to charter schools and the legal framework for such schools in the Commonwealth. It is important that it be clear to taxpayers who is accountable for the performance of schools funded with taxpayer dollars. Those who are accountable for student performance, i.e., local school boards, must have the authority to ensure that each school in the district performs as it should for the good of its students and the district as a whole.

- **The Arlington School Board strongly supports the principle of local control of public schools, including the oversight of public funds, the hiring of teachers and other employees, the setting of curricula and the selection of text materials.** The decision on whether to approve charter schools and under what circumstances should be left to local school boards, especially where those boards represent local opinion. (In this connection, we would point out that in the November 2 referendum on \$102.8 million in bonds, 76.5% of the voters supported the School Board's proposal.) As an example of the wisdom of maintaining the responsibility for public education in the hands of local boards, and perhaps a reason for the high level of public satisfaction in Arlington Public Schools, we point to the wide variety of schools in APS that permit choice and experimentation:
 - Most schools have an Exemplary Project "theme" to their offerings. Some focus on the arts, or technology, or community schooling. Others have adopted the International Baccalaureate as their Exemplary Project. Some schools offer Spanish Immersion, one offers a "traditional" approach to education, one focuses on science.

- We point to these themes as examples of the innovation at the local level that result when education is in the hands of local school boards.
- **Local school boards should have the sole prerogative to decide whether to create charter schools and other innovative programs, to evaluate their operations and effectiveness, to set educational standards and outcomes, and determine attendance, employment, fiscal, and other policies of such schools.**
- **Charter Schools can:**
 - lead to segregation by race, socioeconomic class or disability;
 - divert funds from regular public schools and focus funds on a select group of students at the cost of students in the public schools;
 - be exempted from certain state regulations, including, but not limited to, required testing, reporting and other requirements in the Standards of Accreditation, without offering the same waivers to regular public schools;
 - fail to guarantee equal access for all students;
 - be insulated from the challenges of special populations that the regular public schools encounter.
- **Research suggests that Charter Schools are no more likely to result in increased student performance than “regular” public schools:**
 - A November 2003 NAEP study found: “In reading, there was no measurable difference in performance between charter school students in the fourth grade and their public school counterparts as a whole. This was true, even though, on average, charter schools have higher proportions of students from groups that typically perform lower on NAEP than other public schools have. In reading, as in mathematics, the performance of fourth-grade students with similar racial/ethnic backgrounds in charter schools and other public schools was not measurably different.

“There are also instances where the performance of students with shared characteristics differed. For example, among students eligible for free or reduced-price lunch, fourth-graders in charter schools did not score as high in reading or mathematics, on average, as fourth-graders in other public schools.”*

- An August 2006 NAEP study found:
Reading
“In the first phase of the combined analysis, all charter schools were compared to all public noncharter schools. The average charter school mean was 5.2 points lower than the average public noncharter school mean. After adjusting for multiple student characteristics, the difference in means was 4.2 points. Both differences were statistically significant. The adjusted difference corresponds to an effect size of 0.11 standard deviations. (Typically, about two-thirds of scale scores fall within one standard deviation of the mean.)

* <http://nces.ed.gov/nationsreportcard/studies/charter/2005456.asp>.

"In the second phase, charter schools were classified into two categories based on whether or not they were affiliated with a public school district (PSD). Each category was compared separately with public noncharter schools. On average, the mean scores for charter schools affiliated with a PSD were not significantly different from those of public noncharter schools. However, on average, the means of charter schools not affiliated with a PSD were significantly lower than the means for public noncharter schools, both with and without adjustment. The effect size of the adjusted difference was 0.17 standard deviations.

"In the third phase, the comparison between school types was restricted to schools having a central city location and serving a high-minority population, as there has been particular interest in those students who have traditionally not fared well in public schools. For this subset of 61 charter schools, there were no significant differences (for any fitted model) between the average charter school mean and the average public noncharter school mean.

Mathematics

"In the first phase of the combined analysis for mathematics, all charter schools were compared to all public noncharter schools. The average charter school mean was 5.8 points lower than the average public noncharter school mean. After adjusting for student characteristics, the difference in means was 4.7 points. Both differences were statistically significant. The adjusted difference corresponds to an effect size of 0.17 standard deviations.

"In the second phase, charter schools were classified into two categories based on whether or not they were affiliated with a PSD. Each category was compared separately with public noncharter schools. On average, the mean scores for charter schools affiliated with a PSD were not significantly different from those for public noncharter schools. However, on average, the means of charter schools not affiliated with a PSD were significantly lower than the means for public noncharter schools, both with and without adjustment. The effect size of the adjusted difference was 0.23 standard deviations.

"In the third phase, the comparison between school types was restricted to schools having a central city location and also serving a high-minority population. There was a significant difference between the average of all charter school means and the average of public noncharter school means, as well as between charter school means not affiliated with a PSD and public noncharter school means. In both cases, the difference favored public noncharter schools, and the effect size of the adjusted difference was 0.17 standard deviations. However, there were no significant

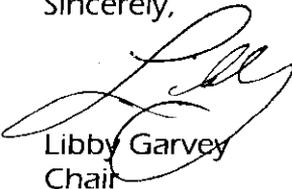
- differences between the average of public noncharter school means and the means of charter schools affiliated with a PSD.”[†]
- A June 13, 2010, issue of *Newsweek* that reported on the nation’s top high schools (among them, all four of Arlington’s high schools), revealed: “...it came as a bit of a shock to the community of educational reformers last year when a study by Stanford University’s Center for Research on Educational Outcomes (CREDO) found that 37 percent of charter schools produce academic results that are worse than public schools, while only 17 percent perform significantly better.”[‡]

As others have noted, **Charter schools encourage social fragmentation rather than common experiences.** An important historic role of the public school has been to provide a meeting place and common experiences for students from a variety of cultures and homes. With the increasing diversity in our society, it is more important than ever to have students from different backgrounds in classrooms and playgrounds together. Charter schools lead to balkanization as groups create schools to reflect their special interests. Charter schools make a priority of the private benefit determined by the parents, rather than balancing and accommodating both the individual and public good.

Furthermore, the basis of the charter schools model is that competition between schools will solve the problems of K-12 education. **A market-driven model of educational competition does not encourage the sharing of successful strategies, whereas in education, cooperation is a necessity.** Rather than shaming schools into improving, we should be supporting low-achieving schools partnering with successful schools. As one superintendent has noted, “continuing to advocate a politically-motivated, market-driven system of education will only delay the real work that needs to be done to help our public schools grow.”[§]

For all of these reasons, we hope the Board of Education and the Commonwealth of Virginia will continue to recognize the importance of local control of education and not undermine the efforts of jurisdictions like Arlington by imposing new laws about charter schools.

Sincerely,



Libby Garvey
Chair

[†] <http://nces.ed.gov/nationsreportcard/pubs/studies/2006460.asp>.

[‡] <http://www.newsweek.com/2010/06/13/understanding-charter-schools.html>.

[§] <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=7336>.



Chesapeake Public Schools

Office of the Superintendent

Post Office Box 16496
Chesapeake, Virginia 23328

December 21, 2010

Mrs. Anne D. Wescott
Assistant Superintendent
Division of Policy and Communications
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218

Dear Mrs. Wescott:

Thank you for allowing me to comment on the proposed criteria for Charter Schools.

The *Code of Virginia* defines and addresses the requirements for establishing charter schools in VA Code 22.1-212. The Code provides clear direction for the charter school application process including specific direction on the process for reviewing such applications. Additionally, the Code grants the local school board the authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement. Further, the Code ensures that the decision of the local school board shall be final and not subject to appeal.

The School Board of the City of Chesapeake opposes any changes to this current legislation that ensures the authority of the local school board with respect to charter school applications.

Sincerely,

James T. Roberts, Ph.D.
Superintendent

We Promote Excellence

The Chesapeake Public School System is an equal educational opportunity school system.
The School Board of the City of Chesapeake also adheres to the principles of equal opportunity in employment and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age, or disability.



December 28, 2010

Jim Courter
Chairman

Merrick Carey
Chief Executive Officer

Loren Thompson
Chief Operating Officer

Don Soifer
Executive Vice President

Daniel Gouré
Philip Peters
Vice Presidents

Lisanne Boling
Monica Kern
Program Directors

The Honorable Anne D. Wescott
Assistant Superintendent for Policy and Communications
Virginia Department of Education
PO Box 2120
Richmond, VA 23218

Dear Anne:

I hope you are enjoying a relaxing and enjoyable holiday break. I've just finished reviewing the November 18 draft criteria and procedures for charter school applications. As always, I deeply appreciate the thoroughness and thoughtful approach you and the board have taken with the draft, which I expect to lead to some very useful policies. I did want to impose briefly on your time to offer some suggestions on the draft that I hope you and the board find useful.

1. Section XVII (3) of Attachment C requires that "school leadership of the public charter school be retained on contract no later than six months prior to the opening date of the school." I believe this is too long, and would severely limit the ability of charter schools to hire many of the best leaders who would likely still be working at their prior job, which loyalty and professionalism would prevent them from leaving before the school year concludes. I believe that 60 days prior to the opening of the school would be adequate, a shorter period extremely helpful to attracting the highest-quality candidates.
2. A specific timeframe for Board of Education review of applications would be a helpful addition. While I appreciate the board's commitment to thoroughness, would specifying a 60-day review for the state committee be unreasonable? Articulating a specific timeframe would be helpful for both applicants and potential authorizers.
3. Section VIII of Attachment C requires applications to include five-year budgets and cash flow projections. While state law permits the approval of five year charters, some school division policies continue to limit the term of charters to three years. While I believe this is within their authority to do so, it seems counterproductive for state policies to require five year budgets and projections where school division policy limits charters to three years.

4. At least one school division has circulated a draft policy that would require a \$2,000 application fee for all charter applicants. While some application fee seems fair to me, this unusually high cost strikes me as difficult to justify, and I wonder if the state board would consider providing guidance on what constitutes a reasonable application fee?
5. The technical assistance provision under attachment B is very helpful. I would also suggest adding, to the end of the first sentence in that section, "or the school division, and its leadership, from communicating with any applicant or potential applicant." Questions over this question have actually come up and this clarification would prove useful.
6. There appears to be some tension between two sections in statute that perhaps the state board could help clarify. Section 221.212.8 (4) requires a statement of need "in a school division... or in a geographic area within a school division... as the case may be." This is aptly noted in the third bullet point in Attachment A of the draft.

It also refers (6) to, "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."

It appears clear to me that any student desiring to apply for an available slot in a charter school in their school division may do so. But what obligations, if any, would either charter school or authorizer have to provide transportation for students living within the district but outside the attendance zone or cluster in which the charter may be located?

I would suggest that it would be helpful, particularly for school divisions that currently utilize attendance zones or clusters, for the board to offer specific guidance as to options available to potential authorizers regarding what forms of tailored attendance policy are allowable. I fear that to remain mute on this important point will lead to confusion which may jeopardize progress for high-quality applicants.

I deeply appreciate your and the Board's commitment to getting this right, and this draft is an excellent start. I would be happy to discuss these questions anytime, or any others you might have.

Happy New Year.

Best regards,


Don Soifer
Executive Vice President

cc: Secretary Robinson



**Powhatan Branch NAACP
Post Office Box 601
Powhatan, VA 23139**

December 31, 2010

Mrs. Anne D. Wescott, assistant superintendent
for policy and communications,
by e-mail Anne.Wescott@doe.virginia.gov;
by phone at (804) 225-2403; or by FAX at (804) 225-2524.

Dear Mrs. Wescott:

The Powhatan Branch NAACP, even not in an urban area has great concerns for the matter of Charter Schools, in Virginia in particular. Our local schools have been to the point of having to call in the US Justice Department for issues related to race in our schools, we find this effort of Charter Schools are not in the best interest of all children. Not to change the subject, we realize the winds of times are changing but they have not change that much in this century to even warrant a suggested change that Virginia be removed from the Section 5 pre-clearance section of the voting rights act, which will also have an adverse impact on schools and re-segregation.

The proposed changes in the laws of charter schools is not supported by the NAACP to say why are we just interested in educating some of the Virginia's children and not all of them in the Public school system supported by the State of Virginia. It would appear this would be a conflict of interest for the State of Virginia to support charter schools and not just public schools where all of the children are being educated. I would think there are enough private schools that could handle those who would want to pay for an education. This method of supporting public charter schools is just another method of the public being forced to support private schools since everyone in the system cannot attend. We support the *Promotion of High Standards for All Public Schools as outlined in our Resolution to support Public Education.*

The Powhatan Branch NAACP has concerns as they relate to any process that would remove children out of the public school system. Our unit in Powhatan supports the Resolution confirmed at the October 2010 National Board in which we have attached. It is hard not to support Federal and State government that will support the public school system that has produced President, Governors, legislators, public school teachers, Nobel Prize winners, inventors, lawyers, physicians and others.

Public Notice: Proposed Criteria, Procedures, and Application for Public Charter Schools

The Board of Education is seeking public comment on its proposed criteria, procedures, and application for public charter schools, pursuant to HB 1390 and SB 737. 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.

The Board of Education authorized 30 days of public comment on the proposed criteria (attached) at its November 18, 2010 meeting. The Board is expected to review the public comment and take final action on this item at its meeting on January 13, 2011.

The Powhatan Branch NAACP has concerns as they relate to any process that would remove children out of the public school system. Our unit in Powhatan supports the Resolution confirmed at the October 2010 National Board in which we have attached. It is hard not to support Federal and State government that will support the public school system that has produced Presidents, Governors, legislators, public school teachers, Nobel Peace Prize winners, inventors, lawyers, physicians and others that have contributed to society. If public schools staff was more friendly and inviting parents would want to participate in their children's education, which would make a difference.

The Harlem School Zone is what everyone seems to be shooting for when they talk about charter schools, however, these comments were recently published.

"All children who live in the zone have access to many of its services, including after-school programs, asthma care, precollege advice and adult classes for expectant parents, called Baby College. The organization has placed young teaching assistants, known as peacemakers, in many of the elementary school classrooms in the area and poured money into organizing block associations, helping tenants buy buildings from the city, and refurbishing parks and playgrounds. By linking services, the program aims to improve on early-childhood programs like Head Start, whose impact has been shown to evaporate as children age."

How many of Virginia's Public Schools provides this type of support?

R. J. Vaughan, President

Public Comments on the Proposed Criteria, Procedures, and Application for Public Charter Schools

From: jbm
Sent: Monday, December 13, 2010 11:50 AM
To: Wescott, Anne (DOE)
Cc: State NAACP; Rev. Vines
Subject: Proposed Criteria, Procedures and Application for Public Charter Schools

The following questions /comments are being forwarded in regards to the above subject:

- * Will charter schools adhere to the same standards as traditional public schools; i.e. SOL's and AYP ?
- * Will teachers be subjected to the same background checks and certification requirements that are in place for teachers who seek employment in traditional public schools?
- * Will pay scales be modified or remain the same , ex. merit pay for teachers who teach the critical needs **subjects such as science & math ?**
- * The criteria set for children who will be selected to enroll in charter schools could be an issue. What happens to those students who could not be accommodated, will they be on a waiting list? What would determine when / if they could be enrolled ?
- * Who decides the curriculum ? With the necessary funding, resources and teachers, why can't the needs of these children be met in the classrooms of their specific schools ?
- * Realizing that charter schools are public schools; but funding will need to be allocated to those schools that will serve some of the children.....would this then be a possibility that some of the schools serving some of the neediest children..... closing ? What would happen to those children ?
- * Will there be legislation and / or policies written that will discourage discrimination, especially in the selection process of children being chosen to attend charter schools ?

We are aware that there is evidence to support the fact that some children do perform better in charter schools, just as there is evidence to the contrary. However, by the same token; we support good public schools that would allow ALL children in Virginia to be able to receive a quality education in the public schools of the Commonwealth.

***Virginia State Conference NAACP Education Committee
Janette Boyd Martin, Chair***

From: Roy Gamse
Sent: Thursday, December 16, 2010 6:05 PM
To: Wescott, Anne (DOE)
Cc: Michael DePass
Subject: Comments on the Criteria, Application, and Procedures for Reviewing Charter School Applications

Thank you for the opportunity to comment on the proposed "Criteria for Charter Schools, the Application for Charter Schools, and the Procedures for Receiving and Reviewing Charter School Applications. I am filing these comments on behalf of Imagine Schools. Headquartered in Arlington, VA, Imagine Schools is the nation's largest operator of charter schools, with 72 schools in 12 states and DC, serving 40,000 students (which is larger student enrollment than Norfolk and larger than Richmond and Roanoke combined). We are currently developing an application for one or more charter schools in Loudoun County to open in 2012, so we appreciate the effort of the Board of Education to implement the recent legislative changes in Virginia's charter law, which were intended to facilitate approval of high quality charter schools in Virginia.

Here are our comments on the November 18 draft:

1. SPECIFIED DURATION OF STATE BOARD REVIEW. By far our greatest concern is with the indeterminate length of time involved in the Board carrying out the review process. The Board should commit to a specific length of time, during which it will complete its review. Otherwise the Board's review could easily prevent the applicant from meeting the requirements it imposes.

For example, Attachment B says in the 1st paragraph of p. 9 that an applicant should allow 18 months from the time the application is submitted to the local school board to the proposed opening date for the public charter school. Without knowing how long the State Board's review will take, the applicant can only guess how long in advance to submit the application to the State Board for review.

Further, Section XVII of the application requirements on p. 20 specifies that the applicant will take actions necessary to enter into a contract with the local school board no later than 9 months prior to the opening date; that the school leadership must be retained on contract no later than 6 months prior to the opening date; and that state waivers must be made by the local school board 6 months prior to opening. All those depend on timely action by the local school board, but all of them could be impossible if the State review takes too long. Delays during the state review or by the local board could force delay of school opening if these are mandatory time intervals.

For the applicant to know how far in advance it must submit its application for State Board review, the State Board should specify the length of time it needs for review of an adequate application and commit to acting within that time limit. I suggest that 60 days should be ample for such a review. If these procedures

cannot be implemented within 60 days, perhaps some modification of the process is warranted. After all, the purpose of the legislation was to facilitate opening of charter schools, not to delay them.

2. **DEFINE MANAGEMENT COMMITTEE.** Attachment C requests at the bottom of page 11 "A description of the prior or relevant experience of the members of the management committee." What is the management committee? Could that possibly be the founding board of the school or the school's board that holds the charter? Could it be the operator of the school (e.g., Imagine Schools)? If the management committee is not the board of the charter school or the operator, what responsibilities should it have?
3. **RELATIONSHIP BETWEEN THE SCHOOL AND ITS EMPLOYEES.** Page 4 #10 and page 17 XI ask for evidence of the relationship between the school and its employees, including evidence that the terms and conditions of employment will have been addressed with affected employees. We understand that teachers and staff of the school are employees of the local school division hired upon the recommendation of the charter school. If that is the case, wouldn't the terms and conditions of employment be addressed by the school division when it completes the hiring process? How would the applicant provide evidence that the school division would address terms and conditions with its own employees? I would appreciate being told if my understanding that these are school division employees is incorrect.
4. **RETAINING SCHOOL LEADERSHIP ON CONTRACT SIX MONTHS PRIOR TO OPENING.** Section XVII of the application requirements on p. 20 specifies that the school leadership must be retained on contract no later than six months prior to the opening date. That is an excellent concept, but may not be practical. First, most excellent school leaders will be employed at other schools six months prior to opening and may not be able to sign such a contract. Further, there is the question of who pays the school leadership's salaries during that time period. If the local or state boards delay the approval process so that this time frame cannot be met, is there no provision to allow it to be waived? Also, if the school leaders are to be school district employees, will the school district pay their salaries six months prior to opening? If so, how will that be implemented, since the funding for the charter school only comes when the school is open with an enrollment that determines the level of funding? Will the State Board direct the school divisions to hire these individuals prior to funds being available to the charter schools? Will the costs of hiring them be borne ultimately by the school divisions, or will they then be able to reduce the later funding of the schools to cover that cost (which would then constrain their ability to operate within available funds)?
5. **LENGTH OF CHARTER.** In some places the document refers to a charter life of five years (III, 3. on page 12), and in other places it refers to up to five years. Which is correct? We prefer five years, since studies of charter schools have

shown that it takes more than three years for them to reach peak academic performance.

6. INFORMAL COMMUNICATION WITH LOCAL SCHOOL BOARD MEMBERS. I hope that the intention of the legislation and the Board's implementation of it is to accelerate the approval of high quality applications. Yet it could actually slow down the approval process if local school boards interpret it to mean that they should not interact constructively with applicants until the State Board's review is complete. It would be helpful if the Board's final documents were to encourage local school divisions to meet with and communicate with prospective applicants and if the final documents were to encourage applicants to submit applications informally to the school divisions for informal review when they are submitted to the State Board. That would help accelerate the process, which could be unintentionally slowed down by the State reviews.

Thank you for considering these comments. I would be happy to discuss them with Board members or staff if that would help improve the process.

Roy Gamse
EVP, Imagine Schools
1005 N. Glebe Road, Suite 610
Arlington, VA 22201

From: Stella Edwards
Sent: Wednesday, December 22, 2010 4:58 PM
To: Wescott, Anne (DOE)
Subject: Public Comments on Criteria for Public Charter Schools

Commenter:

JustChildren Program of Legal Aid Justice Center

Comments:

Current requirements JustChildren agrees with, and supports as a critical component to the proposed criteria:

- Serve students with disabilities, provide them with a free appropriate public education, and comply with all state and federal special education laws.

In order to ensure that all students have an equal and meaningful opportunity to be successful in the charter school setting, we believe that, like all public schools, charter schools should also meet the following minimum requirements:

- Provide free transportation; not just a plan to meet the transportation needs
- Serve students with behavioral challenges, implement a research-based positive behavioral support program, and refrain from using suspension and expulsion
- Provide frequent opportunities for parents and the community to participate in educational decisions affecting their children and in policy decisions affecting the school
- Meet or exceed the Commonwealth's standards for SOL pass rates and graduation rates, even if alternative accreditation plans are considered
- Ensure a strong governance and oversight (whether for-profit or non-profit)
- Provide, as part of the charter school report, data on students with disabilities (how many served, discipline, or other change in placement) and data on suspensions and expulsions by offense, age, grade, ethnicity, etc.

In addition, we believe charter schools should have an obligation to focus on meeting the needs of educationally at-risk students or, in cases where the proposed specialized focus is STEM, special education, career and technical education, or gifted education, provide a plan for recruiting economically disadvantaged and other at-risk students to apply for admission.

Thank you,

Stella

Stella Y. Edwards
Community Organizer
JustChildren Program
Legal Aid Justice Center
37 Bollingbrook Street
Petersburg, VA 23803

From: Eric Wolf Welch
Sent: Thursday, December 30, 2010 11:55 AM
To: Wescott, Anne (DOE)
Cc: Don Soifer; Philip Bernhardt; Vince O'Neill; spderose@fcps.edu; Chris Braunlich
Subject: Comments on State Board of Education's Proposed Criteria for Charter Schools

Mrs. Wescott,

Thank you for accepting comments on the State Board of Education's Proposed Criteria for Charter Schools. I have the following comments that I would like the Board of Education to consider:

COMMENT 1: Can the Board of Education clarify whether a charter school can be made for a specific geographic location within a school division? There seems to be some contradictory statements in the proposed regulations. The state code and the proposed policy the Board of Education is considering lists on p. 1:

*“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.”*

However, later in the Board of Education's proposed policy (on p. 9), it states:

“Enrollment shall be open to any child who is deemed to reside within the relevant school division.”

While I understand the latter statement is there to prevent any discrimination and promote more educational options for all children, it makes it more difficult to create a school for a specific “geographic area within a school division” that has a specific need. Take for example a charter school that is designed to serve the needs of a particular community that has at-risk students. If that charter school must open its enrollment to the entire county, it makes it more difficult to specifically target the needs of those at-risk students if other students from other communities (possibly not at-risk) are now open to enroll in the school. **My recommendation is for the Board of Education to amend the statement on p. 9 to add:**

“A charter school applicant in agreement with the local school division may target its enrollment to serve a specific geographic area within a school division, and based on geographic boundaries established by the school division, may give priority for enrollment of pupils living within those boundaries.”

This is already how public schools function around the state – pupils are limited to attend schools based on boundaries set by the school division. Those boundaries reflect the community in which pupils live. Why can't this also be the case for a public charter school? Adding this statement would give the power to the local school division, if they choose, to establish a charter school to serve the need of a specific geographic area (as stated on p. 1).

Many counties in Virginia are quite large and they have specific communities who could use additional educational options like a charter school. It does not seem logical for a school division to be forced to have a charter school enroll students from the entire county when the charter school is for a specific community.

Please consider this change to p. 9.

COMMENT 2: On p. 12, under Item “XIII: Transportation” can the Board of Education please list “other transportation source, such as public transportation” as a transportation option.

Many public charter schools in other states and jurisdictions have pupils use the public transportation system to go to and from school (sometimes with agreed upon discounted rates for pupils). While the way the policy is currently written does not prohibit a charter school having pupils use public transportation, I believe it is important for clarification that the Board of Education specifically list “other transportation source, such as public transportation” as an option. In particular, in urban areas where public transportation is an option for students, I believe it is important the Board of Education list this in its policy. The local school division and State Board of Education would still have the power when they review a charter application that proposes using public transportation as whether such an option is viable.

COMMENT 3: On p. 3 and 4, the process of reviewing a charter school application by the State Board of Education is described. Can the Board of Education put a specific timeline for how long it will take the Board’s Charter School Committee to review the application before scheduling a meeting with the applicant? My recommendation would be 30 business days.

There are specific time limits listed for the Committee completing its report after the meeting with the applicant (10 business days), for when the full Board will meet to review the application (at the next scheduled Board meeting after the Committee’s report is complete), and for when the Board notifies the applicant of its decision on the application (within five business days of the Board meeting).

I feel it is important for the charter school applicant and local school division that a specific time limit is given to the Committee for it to schedule a meeting with the applicant. The local school division will have its own deadline for when it requires the application, and it would be helpful to know what is the maximum time the state will take in reviewing an application. This will allow the applicant to gauge when they must submit the application to the state in order to have it returned from the state in time to submit to the local school division with the state Board of Education’s comments.

COMMENT 4: On p. 15, the requirements regarding a school facility are described. Considering having a viable facility is often the most important factor as to whether a charter school can exist, the Board of Education should list these facility requirements earlier in its policy. I would suggest making facilities a separate category with its own Roman numeral.

COMMENT 5: Items “III: Goals and Educational Objectives” and “VI: Educational Program” ask for very similar information. Is it possible to combine these two separate items into one item? I would suggest “Goals, Objectives and Educational Program.” Having this as one item would allow the applicant to more clearly list all of the curriculum and other educational matters in one place rather than repeating much of the information if these are left as two separate items. Or if they are separate items, put them back to back rather than having them be items III and then VI.

COMMENT 6: Some school divisions are including in their local policy on charter schools that charter school applicants that focus on “at risk” student populations be given priority. Does the state need to make a statement on at risk students being given a priority for a local school division to list that in their policy? Or does a local school division have the autonomy to give applicants that serve “at risk” students a priority? Can a local school division, without any mention of at-risk students getting a priority in the state policy, put in its policy a quota that “at least one-half of charter schools approved by the (school division) shall be designated for academically at-risk students?”

COMMENT 7: Some local school divisions are charging applicants an “application fee” (as much as \$2,000 per application). Does the State Board of Education need to make a statement in its policy about local school divisions charging an application fee? Does state law allow local school divisions to charge such a fee?

COMMENT 8: Some local school divisions are adopting in their local policy on charter schools that the charter school can be charged for specific items, such as the cost of any disciplinary hearings on charter students. Does the State Board of Education need to clarify what items a local school division may charge a charter school? It seems without any statement from the State Board of Education, much may be left to a local school division to charge a charter school for many items. **I suggest at the least, the State Board of Education provide a general statement in its policy that a local school division cannot place charges on a charter school that are out of the ordinary from the functions of other public schools or that are exorbitant as compared to the costs found in other public schools.**

Thank you for your consideration of these comments.

Sincerely,

Eric Wolf Welch
Public High School Teacher
Development Team Director for Mason District Leadership Academy
A Proposed Public Charter School for Fairfax County, Virginia

From: Kristen Larson
Sent: Friday, December 31, 2010 10:02 AM
To: Wescott, Anne (DOE)
Subject: Comments to Charter School Applications

Dear Ms. Wescott,

Don Soifer from the Lexington Institute forwarded me Superintendent Wright's memo asking for comments about the Virginia Board of Education's application process for charter schools. I have been involved as a member of the Board of Directors with Patrick Henry School of Science and Arts, Virginia's first elementary charter school, for nearly two years. The comments I am submitting are my own opinions and thoughts and are not representative of the board at large. We didn't have time to convene and review this document over the holiday, so I am submitting these comments on my own.

Introduction - Technical Assistance: It would be extremely useful to have a VDOE contact who is well versed in charter school norms on a state and national level. Although I was not involved with PHSSA during the application process, I understand that the feedback the board received from VDOE and the feedback they received from our LEA, Richmond Public Schools, varied greatly. Because RPS ultimately had the authority to approve or reject the charter, the school followed the feedback from the LEA. Having a VDOE contact who could work more closely with the LEA and/or prospective charter to provide information to both parties about 'national charter school norms' would be helpful. Additionally, having a 'go-to' person on the state level who could provide ongoing technical support on state charter school funding opportunities, law changes, and any other state related information would be extremely helpful.

Section VII - Enrollment Policies: In regards to the mention about mid-year transfer students, this issue is somewhat complicated. Since the Virginia state code says that any for space available there must be "a lottery process on a space-available basis," it appears that the transfer policy of students mid-year would need to be the same as the initial enrollment process. To do anything different would seem to be in conflict with Virginia State Code. This does make the process of mid-year transfers somewhat complicated and cumbersome, so it may be something that the Board could examine more closely.

Section VIII - Economic Soundness: Obviously, the financial soundness of a charter is one of the most closely examined aspects of charter schools. In regards to technical assistance provided by VDOE, it would be helpful to receive details of what charter schools in Virginia are legally entitled to in regards to funding, and what other schools currently receive. That may include per pupil funding, Title I money, National School Lunch Program or any other local, state or federal education funding that the schools in the state use to operate their districts. Additionally, this would be a great area where VDOE could provide information on national or state norms for funding, if such data

exists. Knowing what different funding streams are available to charter schools and what the charter needs to do to access those funds, would make it easier to put together a comprehensive and realistic budget.

Section XVII - The wording in point #1 about the contract, I would recommend not placing so much of the responsibility of the contract and that time limit (of 9 months) on the charter school. While it makes sense for the charter to enter into a contract at least 9 months to opening this school, saying that the charter should "take all actions necessary" may imply that the school may enter into a contract with the LEA that would not be in the best interest of the school. Perhaps if the LEA and charter were having problems with their contract negotiations, could VDOE provide a mediator to move the process along.

Thank you for considering my opinions and for allowing public comment. I have called VDOE several times over the last two years and have always received useful information.

Please call me if you have any questions.

Sincerely,
Kristen Nye Larson

From: Roberta Snow
Sent: Friday, December 31, 2010 12:22 PM
To: Wescott, Anne (DOE)
Subject: Proposed Criteria and process for Charter Schools

Dear Anne Wescott,

Thank you for collecting comments on the proposed criteria and the state process for Charter Schools. I read the document several times and found it to be thorough and covered all the possible areas a charter applicant must consider.

I do have some comments:

A charter applicant will have to have a very close relationship with the chartering district to get much of the information. Sometimes the process takes time and it is the negotiation at the time of chartering that reveals some of the information (busing, space, food services, etc.)

The application process does not suggest anything about innovation or raising the bar for education. It seems to be the same old model. Use the same process, use the same data collection, and use the same structures. Is there any way to suggest that you might be looking for more alternative ways of meeting the needs of students? If not, why have these schools? Can the document itself be a bit loftier? Can it suggest that this is really hard work to start a school and there are wonderful opportunities to reach constituencies that are not being reached yet?

My biggest concern is that the applicant does not seem to get any help from anyone. Why not put together a charter help group from existing charter schools and advocates to help support applicants as they proceed through the process. Maybe a manual could be developed. Also some examples of successful charter applications could guide people.

To be honest, the document does not sound like the state WANTS more charter schools. I want it to be inviting AND comprehensive.

Again, thank you for asking for commentary.

Bobbi Snow, Co-founder
The Community Public Charter School



Debra Abadie, President
Virginia PTA
1027 Wilmer Avenue
Richmond, Virginia 23227-2419
State Office Telephone Contact:
804.264.1234
www.vapta.org

TO: Mrs. Anne D. Wescott, Assistant Superintendent for Policy and Communications

FROM: Virginia PTA

RE: BOE Superintendent's Memo #304-10 Criteria for Public Charter Schools

Date: December 31, 2010

Thank you for providing an opportunity for public comment on the proposed criteria, procedures, and application for public charter schools.

During the Charter School Committee meeting on September 22, 2010, Debi Abadie, Virginia PTA President, participated on the panel and provided information about the Virginia PTA's positions regarding Charter Schools. We appreciate the opportunity to make contributions to the Committee's criteria proposals as outlined in Memo 304-10.

During the fall of this year, our state membership (over 300,000 members), was given the opportunity to vote on a new Policy Statement regarding Charter Schools. This policy passed and is now part of our VA PTA Legislation Program.

We are very pleased to note that many of our Virginia PTA positions have become part of the BOE proposed Public Charter Schools Application Package (sections in compliance with our positions are in blue highlights):

- Parental and school staff involvement in the charter's design, implementation, and governance ([Section IV. Evidence of Support](#))
- Meet the same state regulations as other public schools including required testing (SOLs), reporting and other requirements in the Standards of Accreditation unless these regulations are also waived for all public schools ([Section III. Goals and Education Objectives](#))
- Provide adequate procedures for assessment and evaluation as required by the local school division ([Section VI. Educational Program](#))
- Staffed by licensed professionals with adequate safeguards covering contract and employment provisions ([Section XI. Employment Terms and Conditions](#))

- Maintain health and safety standards for all students ([Section X. Management and Operations – School health services and Security services](#))
- Offer equal educational opportunity and be non-discriminatory ([Section VII. Enrollment Policies](#))

While we are pleased that BOE has implemented many of our recommendations, we maintain our concerns regarding planned funding for Public Charter Schools as noted from our position below:

- No negative impact on the regular public school programs, including no diversion of funds

As President Abadie noted in her comments to the committee, Virginia PTA's position is that public charter schools should be supported by specifically allocated public funds that do not exceed, and do not divert, funding from traditional public schools. We are well aware that when per pupil state funding is taken from one school, programs in that school may need to be cut back or even eliminated for the students who remain at the public school.

We value the options that charter school may give some families, however, the importance of maintaining and upgrading public schools currently being operated by each school division should be evaluated by the Board of Education when considering approval of new schools.

In closing, while Virginia PTA and National PTA support educational choices for all students to include charter schools, public funding of any school should require fiscal responsibility and accountability in order to provide a quality public education for all Virginia children.

Respectfully submitted by: Debi Abadie, VA PTA President, president@vapta.org

Debbie Kilpatrick, VA PTA Education Chair, education@vapta.org



**Arlington
School
Board**

1426 N. Quincy Street Arlington, VA 22207

PHONE: (703) 228-6015 FAX: (703) 228-7640 E-MAIL: schoolbd@arlington.k12.va.us



December DIVISION OF POLICY & COMMUNICATIONS

DEC - 9 2010

Hon. Eleanor B. Saslaw, President
Board of Education
Commonwealth of Virginia
PO Box 2120
Richmond, VA 23218

Dear Ms. Saslaw:

I understand the Board of Education is reviewing the recommendations of the Charter School Committee, and that the Board will receive public comments, review the public comments, and prepare the document for the Board's review and approval at the January meeting.

On behalf of the Arlington School Board, I am writing to set forth the position of our Board with regard to charter schools and the legal framework for such schools in the Commonwealth. It is important that it be clear to taxpayers who is accountable for the performance of schools funded with taxpayer dollars. Those who are accountable for student performance, i.e., local school boards, must have the authority to ensure that each school in the district performs as it should for the good of its students and the district as a whole.

- **The Arlington School Board strongly supports the principle of local control of public schools, including the oversight of public funds, the hiring of teachers and other employees, the setting of curricula and the selection of text materials.** The decision on whether to approve charter schools and under what circumstances should be left to local school boards, especially where those boards represent local opinion. (In this connection, we would point out that in the November 2 referendum on \$102.8 million in bonds, 76.5% of the voters supported the School Board's proposal.) As an example of the wisdom of maintaining the responsibility for public education in the hands of local boards, and perhaps a reason for the high level of public satisfaction in Arlington Public Schools, we point to the wide variety of schools in APS that permit choice and experimentation:
 - Most schools have an Exemplary Project "theme" to their offerings. Some focus on the arts, or technology, or community schooling. Others have adopted the International Baccalaureate as their Exemplary Project. Some schools offer Spanish Immersion, one offers a "traditional" approach to education, one focuses on science.

- We point to these themes as examples of the innovation at the local level that result when education is in the hands of local school boards.
- **Local school boards should have the sole prerogative to decide whether to create charter schools and other innovative programs, to evaluate their operations and effectiveness, to set educational standards and outcomes, and determine attendance, employment, fiscal, and other policies of such schools.**
- **Charter Schools can:**
 - lead to segregation by race, socioeconomic class or disability;
 - divert funds from regular public schools and focus funds on a select group of students at the cost of students in the public schools;
 - be exempted from certain state regulations, including, but not limited to, required testing, reporting and other requirements in the Standards of Accreditation, without offering the same waivers to regular public schools;
 - fail to guarantee equal access for all students;
 - be insulated from the challenges of special populations that the regular public schools encounter.
- **Research suggests that Charter Schools are no more likely to result in increased student performance than “regular” public schools:**
 - A November 2003 NAEP study found: “In reading, there was no measurable difference in performance between charter school students in the fourth grade and their public school counterparts as a whole. This was true, even though, on average, charter schools have higher proportions of students from groups that typically perform lower on NAEP than other public schools have. In reading, as in mathematics, the performance of fourth-grade students with similar racial/ethnic backgrounds in charter schools and other public schools was not measurably different.

“There are also instances where the performance of students with shared characteristics differed. For example, among students eligible for free or reduced-price lunch, fourth-graders in charter schools did not score as high in reading or mathematics, on average, as fourth-graders in other public schools.”*

- An August 2006 NAEP study found:
Reading
“In the first phase of the combined analysis, all charter schools were compared to all public noncharter schools. The average charter school mean was 5.2 points lower than the average public noncharter school mean. After adjusting for multiple student characteristics, the difference in means was 4.2 points. Both differences were statistically significant. The adjusted difference corresponds to an effect size of 0.11 standard deviations. (Typically, about two-thirds of scale scores fall within one standard deviation of the mean.)

* <http://nces.ed.gov/nationsreportcard/studies/charter/2005456.asp>.

"In the second phase, charter schools were classified into two categories based on whether or not they were affiliated with a public school district (PSD). Each category was compared separately with public noncharter schools. On average, the mean scores for charter schools affiliated with a PSD were not significantly different from those of public noncharter schools. However, on average, the means of charter schools not affiliated with a PSD were significantly lower than the means for public noncharter schools, both with and without adjustment. The effect size of the adjusted difference was 0.17 standard deviations.

"In the third phase, the comparison between school types was restricted to schools having a central city location and serving a high-minority population, as there has been particular interest in those students who have traditionally not fared well in public schools. For this subset of 61 charter schools, there were no significant differences (for any fitted model) between the average charter school mean and the average public noncharter school mean.

Mathematics

"In the first phase of the combined analysis for mathematics, all charter schools were compared to all public noncharter schools. The average charter school mean was 5.8 points lower than the average public noncharter school mean. After adjusting for student characteristics, the difference in means was 4.7 points. Both differences were statistically significant. The adjusted difference corresponds to an effect size of 0.17 standard deviations.

"In the second phase, charter schools were classified into two categories based on whether or not they were affiliated with a PSD. Each category was compared separately with public noncharter schools. On average, the mean scores for charter schools affiliated with a PSD were not significantly different from those for public noncharter schools. However, on average, the means of charter schools not affiliated with a PSD were significantly lower than the means for public noncharter schools, both with and without adjustment. The effect size of the adjusted difference was 0.23 standard deviations.

"In the third phase, the comparison between school types was restricted to schools having a central city location and also serving a high-minority population. There was a significant difference between the average of all charter school means and the average of public noncharter school means, as well as between charter school means not affiliated with a PSD and public noncharter school means. In both cases, the difference favored public noncharter schools, and the effect size of the adjusted difference was 0.17 standard deviations. However, there were no significant

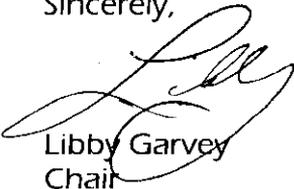
- differences between the average of public noncharter school means and the means of charter schools affiliated with a PSD.”[†]
- A June 13, 2010, issue of *Newsweek* that reported on the nation’s top high schools (among them, all four of Arlington’s high schools), revealed: “...it came as a bit of a shock to the community of educational reformers last year when a study by Stanford University’s Center for Research on Educational Outcomes (CREDO) found that 37 percent of charter schools produce academic results that are worse than public schools, while only 17 percent perform significantly better.”[‡]

As others have noted, **Charter schools encourage social fragmentation rather than common experiences.** An important historic role of the public school has been to provide a meeting place and common experiences for students from a variety of cultures and homes. With the increasing diversity in our society, it is more important than ever to have students from different backgrounds in classrooms and playgrounds together. Charter schools lead to balkanization as groups create schools to reflect their special interests. Charter schools make a priority of the private benefit determined by the parents, rather than balancing and accommodating both the individual and public good.

Furthermore, the basis of the charter schools model is that competition between schools will solve the problems of K-12 education. **A market-driven model of educational competition does not encourage the sharing of successful strategies, whereas in education, cooperation is a necessity.** Rather than shaming schools into improving, we should be supporting low-achieving schools partnering with successful schools. As one superintendent has noted, “continuing to advocate a politically-motivated, market-driven system of education will only delay the real work that needs to be done to help our public schools grow.”[§]

For all of these reasons, we hope the Board of Education and the Commonwealth of Virginia will continue to recognize the importance of local control of education and not undermine the efforts of jurisdictions like Arlington by imposing new laws about charter schools.

Sincerely,



Libby Garvey
Chair

[†] <http://nces.ed.gov/nationsreportcard/pubs/studies/2006460.asp>.

[‡] <http://www.newsweek.com/2010/06/13/understanding-charter-schools.html>.

[§] <http://www.aasa.org/SchoolAdministratorArticle.aspx?id=7336>.



Chesapeake Public Schools

Office of the Superintendent

Post Office Box 16496
Chesapeake, Virginia 23328

December 21, 2010

Mrs. Anne D. Wescott
Assistant Superintendent
Division of Policy and Communications
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218

Dear Mrs. Wescott:

Thank you for allowing me to comment on the proposed criteria for Charter Schools.

The *Code of Virginia* defines and addresses the requirements for establishing charter schools in VA Code 22.1-212. The Code provides clear direction for the charter school application process including specific direction on the process for reviewing such applications. Additionally, the Code grants the local school board the authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement. Further, the Code ensures that the decision of the local school board shall be final and not subject to appeal.

The School Board of the City of Chesapeake opposes any changes to this current legislation that ensures the authority of the local school board with respect to charter school applications.

Sincerely,

James T. Roberts, Ph.D.
Superintendent

We Promote Excellence

The Chesapeake Public School System is an equal educational opportunity school system.
The School Board of the City of Chesapeake also adheres to the principles of equal opportunity in employment and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age, or disability.



December 28, 2010

Jim Courter
Chairman

Merrick Carey
Chief Executive Officer

Loren Thompson
Chief Operating Officer

Don Soifer
Executive Vice President

Daniel Gouré
Philip Peters
Vice Presidents

Lisanne Boling
Monica Kern
Program Directors

The Honorable Anne D. Wescott
Assistant Superintendent for Policy and Communications
Virginia Department of Education
PO Box 2120
Richmond, VA 23218

Dear Anne:

I hope you are enjoying a relaxing and enjoyable holiday break. I've just finished reviewing the November 18 draft criteria and procedures for charter school applications. As always, I deeply appreciate the thoroughness and thoughtful approach you and the board have taken with the draft, which I expect to lead to some very useful policies. I did want to impose briefly on your time to offer some suggestions on the draft that I hope you and the board find useful.

1. Section XVII (3) of Attachment C requires that "school leadership of the public charter school be retained on contract no later than six months prior to the opening date of the school." I believe this is too long, and would severely limit the ability of charter schools to hire many of the best leaders who would likely still be working at their prior job, which loyalty and professionalism would prevent them from leaving before the school year concludes. I believe that 60 days prior to the opening of the school would be adequate, a shorter period extremely helpful to attracting the highest-quality candidates.
2. A specific timeframe for Board of Education review of applications would be a helpful addition. While I appreciate the board's commitment to thoroughness, would specifying a 60-day review for the state committee be unreasonable? Articulating a specific timeframe would be helpful for both applicants and potential authorizers.
3. Section VIII of Attachment C requires applications to include five-year budgets and cash flow projections. While state law permits the approval of five year charters, some school division policies continue to limit the term of charters to three years. While I believe this is within their authority to do so, it seems counterproductive for state policies to require five year budgets and projections where school division policy limits charters to three years.

4. At least one school division has circulated a draft policy that would require a \$2,000 application fee for all charter applicants. While some application fee seems fair to me, this unusually high cost strikes me as difficult to justify, and I wonder if the state board would consider providing guidance on what constitutes a reasonable application fee?
5. The technical assistance provision under attachment B is very helpful. I would also suggest adding, to the end of the first sentence in that section, "or the school division, and its leadership, from communicating with any applicant or potential applicant." Questions over this question have actually come up and this clarification would prove useful.
6. There appears to be some tension between two sections in statute that perhaps the state board could help clarify. Section 221.212.8 (4) requires a statement of need "in a school division... or in a geographic area within a school division... as the case may be." This is aptly noted in the third bullet point in Attachment A of the draft.

It also refers (6) to, "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."

It appears clear to me that any student desiring to apply for an available slot in a charter school in their school division may do so. But what obligations, if any, would either charter school or authorizer have to provide transportation for students living within the district but outside the attendance zone or cluster in which the charter may be located?

I would suggest that it would be helpful, particularly for school divisions that currently utilize attendance zones or clusters, for the board to offer specific guidance as to options available to potential authorizers regarding what forms of tailored attendance policy are allowable. I fear that to remain mute on this important point will lead to confusion which may jeopardize progress for high-quality applicants.

I deeply appreciate your and the Board's commitment to getting this right, and this draft is an excellent start. I would be happy to discuss these questions anytime, or any others you might have.

Happy New Year.

Best regards,


Don Soifer
Executive Vice President

cc: Secretary Robinson



**Powhatan Branch NAACP
Post Office Box 601
Powhatan, VA 23139**

December 31, 2010

Mrs. Anne D. Wescott, assistant superintendent
for policy and communications,
by e-mail Anne.Wescott@doe.virginia.gov;
by phone at (804) 225-2403; or by FAX at (804) 225-2524.

Dear Mrs. Wescott:

The Powhatan Branch NAACP, even not in an urban area has great concerns for the matter of Charter Schools, in Virginia in particular. Our local schools have been to the point of having to call in the US Justice Department for issues related to race in our schools, we find this effort of Charter Schools are not in the best interest of all children. Not to change the subject, we realize the winds of times are changing but they have not change that much in this century to even warrant a suggested change that Virginia be removed from the Section 5 pre-clearance section of the voting rights act, which will also have an adverse impact on schools and re-segregation.

The proposed changes in the laws of charter schools is not supported by the NAACP to say why are we just interested in educating some of the Virginia's children and not all of them in the Public school system supported by the State of Virginia. It would appear this would be a conflict of interest for the State of Virginia to support charter schools and not just public schools where all of the children are being educated. I would think there are enough private schools that could handle those who would want to pay for an education. This method of supporting public charter schools is just another method of the public being forced to support private schools since everyone in the system cannot attend. We support the *Promotion of High Standards for All Public Schools as outlined in our Resolution to support Public Education.*

The Powhatan Branch NAACP has concerns as they relate to any process that would remove children out of the public school system. Our unit in Powhatan supports the Resolution confirmed at the October 2010 National Board in which we have attached. It is hard not to support Federal and State government that will support the public school system that has produced President, Governors, legislators, public school teachers, Nobel Prize winners, inventors, lawyers, physicians and others.

Public Notice: Proposed Criteria, Procedures, and Application for Public Charter Schools

The Board of Education is seeking public comment on its proposed criteria, procedures, and application for public charter schools, pursuant to HB 1390 and SB 737. 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.

The Board of Education authorized 30 days of public comment on the proposed criteria (attached) at its November 18, 2010 meeting. The Board is expected to review the public comment and take final action on this item at its meeting on January 13, 2011.

The Powhatan Branch NAACP has concerns as they relate to any process that would remove children out of the public school system. Our unit in Powhatan supports the Resolution confirmed at the October 2010 National Board in which we have attached. It is hard not to support Federal and State government that will support the public school system that has produced Presidents, Governors, legislators, public school teachers, Nobel Peace Prize winners, inventors, lawyers, physicians and others that have contributed to society. If public schools staff was more friendly and inviting parents would want to participate in their children's education, which would make a difference.

The Harlem School Zone is what everyone seems to be shooting for when they talk about charter schools, however, these comments were recently published.

"All children who live in the zone have access to many of its services, including after-school programs, asthma care, precollege advice and adult classes for expectant parents, called Baby College. The organization has placed young teaching assistants, known as peacemakers, in many of the elementary school classrooms in the area and poured money into organizing block associations, helping tenants buy buildings from the city, and refurbishing parks and playgrounds. By linking services, the program aims to improve on early-childhood programs like Head Start, whose impact has been shown to evaporate as children age."

How many of Virginia's Public Schools provides this type of support?

R. J. Vaughan, President