Virginia Board of Education Agenda Item

Agenda Item: C **Date:** July 28, 2016

Title	First Review of Revised Virginia Public Charter School Application and Application Process		
Presenter	Diane Jay, Associate Director, Office of Program Administration and Accountability		
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Purpose of Presentation:
Action required by state or federal law or regulation.

Previous Review or Action:
No previous review or action.

Action Requested:
Action will be requested at a future meeting. Specify anticipated date below:
September 22, 2016

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
X	Goal 3: The Board of Education Seeks to Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:
Goal 3: The Board of Education has adopted expanded opportunities for student's academic success. Charter schools are one avenue for parents and children seeking education options in the public education system.

Goal 6: Legislation approved by the 2010 General Assembly increased the level of state support and guidance in the development of charter schools in Virginia to ensure that local school boards receive quality charter school proposals. As a result of that legislation, the *Code of Virginia*, Section 22.1-212.9, requires that all charter school applications be submitted to the Board prior to being submitted to the local school board. In 2011, the Board of Education approved procedures for receiving and reviewing charter school applications and criteria used in reviewing applications.

Legislation approved by the 2013 General Assembly in HB 2076 and SB 1131 provided that charter school applications that are initiated by one or more local school boards are not subject to review by the

Board of Education. SB 734 passed by the 2016 General Assembly and signed by the Governor, amended and reenacted Sections **22.1-212.6**, **22.1-212.7**, **22.1-212.8**, and **22.1-212.13** of the *Code of Virginia*, and added Section **22.1-212.6:1**, relating to public charter schools. The text of the legislation, showing additions and deletions, can be found in Attachment A.

Summary of Important Issues:
To meet the intent of the 2010 legislation, the Board has appointed a charter school committee to examine applications to ensure they are consistent with existing state law and the Board's approval criteria. The application and review process is being revised to reflect charter school legislation approved during the 2016 General Assembly session as summarized below.

- Section **22.1-212.6**: Establishment and operation of public charter schools: requirements

The one change in this section is a strikethrough of Part A, which states that charter schools are subject to all federal and state laws regarding discrimination. Part A is now addressed in Section **22.1-212.6:1**.

- § **22.1-212.7**: Contracts for public charter schools

Contracts between the local school board and the charter management committee have been amended to include additional components. The required components are included in the assurances section of the revised application.

- Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures, and (ii) the administrative relationship between the local school board and public charter school.
- The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework to include indicators, measures, and metrics for the following:
    1. Student academic proficiency;
    2. Student academic growth;
    3. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status;
    4. Attendance;
    5. Recurrent annual enrollment;
    6. Postsecondary education readiness of high school students;
    7. Financial performance and sustainability; and
    8. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.
- The performance framework shall:
    - Allow the inclusion of additional rigorous, valid, and reliable indicators to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article; and
    - Require the disaggregation of all student performance data by major

student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.

- Annual performance targets shall be set by each public charter school and the local school board.
- The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee.
- Within ten days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.
- No public charter school shall commence operations without a charter contract executed and approved in an open meeting of the local school board.

- Section **22.1-212.8**: Charter application

The charter application section of the *Code* has been amended to require additional information. The information below is added to the revised charter school application. The application is to address the following areas:

- Location or geographic area;
- Grades to be served;
- Minimum, planned, and maximum enrollment per grade level per year;
- Evidence of need and community support;
- Information on the proposed founding management committee members and, if identified, the proposed public charter school leadership and management team;
- Calendar and a sample daily schedule;
- Description of the academic program that is aligned with the Standards of Learning;
- Description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods;
- Plans for identifying and successfully serving students with disabilities, students who are English language learners, students who lag behind academically, and gifted students;
- Description of co-curricular or extracurricular programs and how such programs will be funded and delivered;
- Plans and timelines for student recruitment and enrollment, including lottery procedures;
- Student discipline policies, including discipline policies for special education students;
- Organization chart that clearly presents the public charter school's organizational structure;
- Description of the roles and responsibilities for the management committee and the public charter school's leadership and management team;
- Staffing chart for the school's first year and a staffing plan for the term of the charter contract;
- Plans for recruiting and developing the school's leadership and staff;
- School's leadership and teacher employment policies;

- Proposed governing bylaws;
- Explanations of any partnerships or contractual relationships central to operations or mission;
- Plans for providing transportation, food service, and other operational and ancillary services;
- Opportunities and expectations for parent involvement;
- Start-up plan that identifies tasks, timelines, and responsible individuals;
- Description of the financial plan and policies, financial controls, and audit requirements;
- Description of the insurance coverage to be obtained;
- Start-up and five-year budgets with assumptions;
- Start-up and first-year cash-flow projections with clearly stated assumptions;
- Evidence of anticipated fundraising contributions; and
- A sound facilities plan.

- Section **22.1-212.13**: Employment of professional, licensed personnel

The one change in this section is a strikethrough of Part E, " Nothing in this section shall be construed to restrict the authority of the local school board to assign professional, licensed personnel to a public charter school or any other public school as provided in Sections 22.1-293 and 22.1-295."

- Section **22.1-212.6:1**. Applicability of other laws, regulations, policies, and procedures

This section has been added to the *Code*. The requirements have been incorporated into the assurances section of the revised charter school application. Each applicant much assure the following:

- Subject to all federal laws and authorities as set forth in this article and the charter contract with the local school board;
- Subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided in this article;
- Subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but a public charter school can establish additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures;
- Management committees are subject to and shall comply with the Virginia Freedom of Information Act;
- Cannot discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division;
- Cannot discriminate against any student on the basis of limited proficiency in English, and each school shall provide those students with appropriate services designed to teach such students English and the general curriculum; and
- Cannot engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

Revisions to the charter school application, based on the 2016 legislation, have been incorporated into the Virginia Public Charter School Application found in Attachment B.

In addition to the changes in the application, revisions in the review process are recommended based on the experiences of the Board's standing Charter School Committee, which has reviewed eight charter school applications since 2011. The proposed Virginia Charter School Application Process can be found in Attachment C. A strikethrough version of the charter school application process, as well as a strikethrough version of the application components and assurances, can be found in Attachment D. Highlights of the suggested modifications to the process are below.

- Conduct two committee meetings with the applicant (scheduled with the Board's Charter School Committee based on their meeting schedule and consultation with the applicant)
    - Initial meeting
        - Applicant and charter school's management team discuss the contents of the application and criteria; and
        - Committee takes a consensus vote on each of the criterion and on the application as a whole:
            - If the criteria are met, the application will be presented to the Board; or
            - If the committee decides that not all criteria are met, the applicant will be provided time to address those criteria and will be given the opportunity to meet with the committee at a second meeting.
    - Second meeting
        - Applicant notifies the Virginia Department of Education six weeks in advance to schedule second meeting;
        - Revised application sent six weeks in advance of meeting;
        - Criteria that were deemed met at the initial meeting will remain intact with no changes required by the applicant;
        - Criteria that were not met at the initial committee meeting will be addressed by the committee with the applicant;
        - A count will be taken of the criteria met from the initial and from the second meeting; and
        - Committee will take a consensus vote on the overall application;
            - If the criteria are met, the application will be presented to the Board; or
            - If the criteria are not met, an additional opportunity for the applicant to address remaining deficiencies will be discussed with the applicant.
- Applications proceeding to the Board for review
    - At the meeting for final review, if the application does not meet the Board's approval criteria
        - Board will provide the applicant with an opportunity to address any deficiencies within a mutually agreed upon time frame.

        - If the applicant cannot address the deficiencies within the agreed upon date, the applicant may withdraw the application.
- Withdrawal of an application
    - An applicant may withdraw an application at any time during the review process and resubmit it at a later date.
    - With a withdrawal and resubmission, the application will be considered as a new charter school applicant.

Impact on Fiscal and Human Resources: The impact on resources is moderate; however, the agency's existing resources can absorb costs at this time.

Timetable for Further Review/Action: This item is expected to be presented to the Board for final review and approval on September 22, 2016.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education receives the item for first review.

Attachment A

2016 SESSION

CHAPTER 770

*An Act to amend and reenact §§ **22.1-212.6**, **22.1-212.7**, **22.1-212.8**, and **22.1-212.13** of the Code of Virginia and to amend the Code of Virginia by adding a section numbered **22.1-212.6:1**, relating to public charter schools.*

[S 734]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ **22.1-212.6**, **22.1-212.7**, **22.1-212.8**, and **22.1-212.13** of the Code of Virginia are amended and reenacted and that the *Code of Virginia* is amended by adding a section numbered **22.1-212.6:1** as follows:

§ **22.1-212.6**. Establishment and operation of public charter schools; requirements.

A. ~~A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.~~

Enrollment *in a public charter school* 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, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. 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.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract ~~and as specified in §~~ **22.1-212.7**, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school

division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

*§ **22.1-212.6:1**. Applicability of other laws, regulations, policies, and procedures.*

A. Public charter schools are subject to all federal laws and authorities as set forth in this article and the charter contract with the local school board.

B. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided in this article.

C. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

*D. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ **2.2-3700** et seq.).*

E. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

F. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

G. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

§ **22.1-212.7**. Contracts for public charter schools.

~~An approved charter application shall constitute an agreement, and its terms shall be the terms of a~~

~~contract between the public charter school and the local school board or, in the case of a regional public charter school, between the regional public charter school and the relevant school boards. The contract between the public charter school and the local school board or relevant school boards shall reflect all agreements regarding the release of the public charter school from school division policies. Such contract between the public charter school and the local school board or relevant school boards shall reflect all requests for release of the public charter school from state regulations, consistent with the requirements of subsection B of § **22.1-212.6**. The local school board or relevant school boards, on behalf of the public charter school, shall request such releases from the Board of Education. In addition to any such releases granted by the Board, all purchases made by a public charter school shall be exempt from the Virginia Public Procurement Act (§ **2.2-4300** et seq.), unless otherwise negotiated by contract.~~

A. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

B. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:

1. Student academic proficiency;

2. Student academic growth;

3. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status;

4. Attendance;

5. Recurrent annual enrollment;

6. Postsecondary education readiness of high school students;

7. Financial performance and sustainability; and

8. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.

C. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.

D. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.

E. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.

F. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

G. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.

H. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board~~ of Education~~ approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC **20-131-280** C of the Virginia Administrative Code.

I. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.

§ **22.1-212.8**. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1.~~ The~~ *An executive summary.*

2. A mission statement of the public charter school that~~ must be~~ *is* consistent with the principles of the Standards of Quality*, including identification of the targeted academic program of study*.

~~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, including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. 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.~~ *4. The location or geographic area proposed for the public charter school.*

5. The grades to be served each year for the full term of the charter contract.

6. Minimum, planned, and maximum enrollment per grade level per year for the term of the charter contract.

7. Evidence of need and community support for the proposed public charter school.

8. Background information on the proposed founding management committee members and, if identified, the proposed public charter school leadership and management team.

9. The public charter school's proposed calendar and a sample daily schedule.

10. A description of the academic program that is aligned with the Standards of Learning.

11. A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.

12. The public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who lag behind academically, and gifted students, including compliance with applicable laws and regulations.

13. A description of cocurricular or extracurricular programs and how such programs will be funded and delivered.

14. Plans and timelines for student recruitment and enrollment, including lottery procedures.

15. The public charter school's student discipline policies, including discipline policies for special education students.

16. An organization chart that clearly presents the public charter school's organizational structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.

17. A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organization chart.

18. A staffing chart for the public charter school's first year and a staffing plan for the term of the charter contract.

19. Plans for recruiting and developing the public charter school's leadership and staff.

20. The public charter school's leadership and teacher employment policies.

21. Proposed governing bylaws.

22. Explanations of any partnerships or contractual relationships central to the public charter school's operations or mission.

23. The public charter school's plans for providing transportation, food service, and all other significant operational and ancillary services.

24. A statement of opportunities and expectations for parent involvement.

25. A detailed public charter school start-up plan that identifies tasks, timelines, and responsible individuals.

26. A description of the public charter school's financial plan and policies, including financial controls and audit requirements.

27. A description of the insurance coverage that the public charter school will obtain.

28. Start-up and five-year budgets with clearly stated assumptions.

29. Start-up and first-year cash-flow projections with clearly stated assumptions.

30. Evidence of anticipated fundraising contributions, if claimed in the application.

31. A sound facilities plan, including backup or contingency plans, if appropriate.

32. 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.~~ *33.* 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**.

§ **22.1-212.13**. Employment of professional, licensed personnel.

A. At the discretion of the local school board, charter school personnel may be employees of the local school board, or boards, granting the charter. Any personnel not employed by the local school board shall remain subject to the provisions of §§ **22.1-296.1**, **22.1-296.2**, and **22.1-296.4**.

B. Professional, licensed education personnel may volunteer for assignment to a public charter school. Assignment in a public charter school shall be for one contract year. Upon request of the employee and

the recommendation of the management committee of the public charter school, reassignment to the public charter school shall occur on an annual basis.

C. At the completion of each contract year, professional, licensed education personnel who request assignment to a public noncharter school in the relevant school division or who are not recommended for reassignment in the public charter school, other than for the grounds cited in § **22.1-307**, shall be guaranteed an involuntary transfer to a public noncharter school in the school division according to the employment policies of the school division.

D. Professional, licensed personnel of a public charter school shall be granted the same employment benefits given to professional, licensed personnel in public noncharter schools in accordance with the policies of the relevant school board or boards.

E.~~ Nothing in this section shall be construed to restrict the authority of the local school board to assign professional, licensed personnel to a public charter school or any other public school as provided in §§~~ **22.1-293**~~ and~~ **22.1-295**~~.~~

~~F.~~ School boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between such school board and the charter school; however, nothing herein shall require a school board to fund the residential or other services provided by a residential charter school.

ATTACHMENT B

Virginia
Public Charter School
Application

(Revised July 2016)

Charter School Name:
Date of Submission to Virginia Board of Education:
Proposed Date of Submission to Local School Board:
Name of Authorized Official: **Date:**
Signature of Authorized Official: **Date:**

Instructions

All applicants for a public charter school should read the Public Charter School Application Process before completing the application. The process is available on the Virginia Department of Education Web site at the following link: http://www.doe.virginia.gov/instruction/charter_schools/index.shtml.

Please complete the cover page and insert the name of the public charter school into the footer before completing the application. Each gray section in the document must contain a response.

Two hard copies of the completed application with the original signature of the authorized official on the cover page and on the certification page must be submitted to:

Director for Board Relations
Virginia Board of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

In addition, a PDF version of the completed application document should be sent to the following address: BOE@doe.virginia.gov. Applicants may also submit a PDF version of the completed application document on a portable storage device, mailed to the address above.

Note: The Virginia Freedom of Information Act (FOIA), Sections 2.2-3700 et seq. of the *Code of Virginia*, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. Please be advised that documents submitted to the Virginia Department of Education are subject to FOIA and must be released in response to a FOIA request unless the records are exempt as specifically provided by law.

Part A: Applicant Information

School Information

Charter School Name:

Local School Division:

Does the applicant presently have access to a facility suitable for a school? Yes ☐ No ☐

If the answer is yes to the question above, insert address and information regarding ownership of the facility:
School Location (City/Town and Zip Code):

Ownership:

Proposed Date of Application Submission to
Local School Board:

Proposed Opening Date:

Applications for public charter schools should be submitted to the Board of Education within a time frame that is adequate enough to ensure that the public charter school application will also be submitted to the local school board in accordance with the application policies of the local school board.

Content Areas and Instructional Services Offered (Please Check All That Apply)			
Early Childhood Education	☐	Gifted Education	☐
English/Language Arts	☐	Special Education	☐
Mathematics	☐	Computer Technology	☐
Science	☐	Agricultural Education	☐
History and Social Studies	☐	Business and Informational Technology	☐
Foreign Language	☐	Career Connections	☐
English as a Second Language	☐	Family and Consumer Sciences	☐
Health	☐	Marketing	☐
Physical Education	☐	Technology Education	☐
Driver Education	☐	Trade and Industrial Education	☐
Art	☐	Electives:	☐
Music	☐	Others:	☐
Drama	☐		

Grades to be Served (Please Check All That Apply)*			
Pre-K	☐	Sixth Grade	☐
Kindergarten	☐	Seventh Grade	☐
First Grade	☐	Eighth Grade	☐
Second Grade	☐	Ninth Grade	☐
Third Grade	☐	Tenth Grade	☐
Fourth Grade	☐	Eleventh Grade	☐
Fifth Grade	☐	Twelfth Grade	☐

* If the public charter school intends to add or change grade levels at some point during the school's operation, please provide this information in the education program section of the narrative.

If the public charter school is going to have a specialized focus (e.g., Science, Technology, Engineering, Mathematics [STEM], at-risk students, special education, career and technical education, gifted education), please describe the focus:

Contact Information

Name of Individual/Organization Submitting Application:

Name of Contact Person for Application:

Title/Affiliation with Individual/Organization Submitting Application:

Office Telephone: Mobile Telephone:

Fax Number: E-mail Address:

Prior Experience

1. Has the applicant had any prior experience operating a charter school or similar school? Please check one of the following: Yes ☐ No ☐

2. If the response to the question above is "yes," please describe any prior experience with establishing and operating charter schools and/or similar schools. Please provide information such as the name of the school, the state where it is located, years of operation, and contact information. If the school is no longer operating, please provide the reason(s) for closure:

Part B: Narrative

The application narrative must contain all of the elements listed below as required by Section 22.1-212.8 of the *Code of Virginia*.

Executive Summary I

I. Provide an executive summary that addresses the need for the public charter school-and any discussions to date with the local public school division or local school board on the establishment of the charter school. If there have been no discussions to date, please indicate the reason. (The suggested length is two pages.)

Education Components II-V

II. ***Mission Statement:*** Provide a mission statement that is consistent with the principles of the Standards of Quality (SOQ) (Section 22.1-253.13:1, *Code of Virginia*) , including identification of the targeted academic program of study.

III. ***Evidence of Support:*** Provide evidence of need and community support for the proposed public charter school.

IV. ***Statement of Need:*** Describe the need for a public charter school in a school division or relevant school divisions or in a geographic area within a school division or relevant school divisions, including the location or geographic area proposed for the public charter school and the grades to be served each year for the full term of the charter contract.

V. ***Educational Program:*** Describe the public charter school's educational program. The following components must be addressed:

1. A description of the academic program that is aligned with the Standards of Learning.

2. A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.

3. Information regarding the minimum planned, and maximum enrollment per grade level for the term of the charter contract.

4. A description of plans for identifying and successfully serving: a) students with disabilities; b) English Learners (ELs); students who lag behind academically; and d) gifted students, including compliance with applicable laws and regulations.

5. A description of co-curricular or extracurricular programs to be offered and how they will be funded and delivered.

6. The public charter school's student discipline policies, including discipline policies for special education students.

7. A statement of opportunities and expectations for parental involvement.

Logistical Components VI-VIII

VI. ***Enrollment Process:*** Describe plans and timelines for student recruitment and enrollment, including lottery procedures.

VII. ***Displacement:*** Describe the 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.

VIII. ***Transportation, Food Service, and Operational and Ancillary Services:*** Describe the public charter school's plans for providing transportation, food service, and all other significant operational and ancillary services.

Business Components IX-XII

IX. ***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. The following components should be addressed:

1. A description of the public charter school's financial plan, including financial controls and audit requirements.

2. Start-up and five-year budgets with clearly stated assumptions.

3. Start-up and first-year cash flow projections with clearly stated assumptions.

4. Evidence of anticipated fundraising contributions, if claimed in this application.

5. A sound facilities plan, including backup or contingency plans, if appropriate.

X. ***Management and Operation:*** Provide information on the management and operation of the public charter school. The following components must be addressed to the extent the applicant is able, pending negotiations with the local school board:

1. Background on proposed founding management committee members and, if identified, the proposed public charter school leadership and management team.

2. An organization chart that clearly presents the pubic charter school's organization structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.

3. A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organizational chart.

4. The proposed governing bylaws.

5. An explanation of any partnerships or contractual relationships central to the school's operations or mission.

6. A detailed public charter school start-up plan, identifying tasks, timelines, and responsible individuals.

7. The public charter school's proposed calendar and a sample daily schedule.

XI. ***Employment Terms and Conditions:*** At the discretion of the local school board, charter school personnel may be employees of the local school board, or boards, granting the charter. Any personnel not employed by the local school board shall remain subject to the provisions of Sections 22.1-296.1, 22.1-296.2, and 22.1-296.4. The following components must be addressed:

1. The public charter school's leadership and teacher employment policies.

2. Plans for recruiting and developing the public charter school's leadership and staff.

3. A staffing chart for the school's first year and a staffing plan for the term of the contract.

XII. ***Insurance:*** Describe the insurance coverage that the public charter school will obtain.

Part C: Assurances

Assurances in the *Code of Virginia*: The assurances in the *Code of Virginia* represent the policies and procedures that must be developed by the public charter school to carry out the provisions of the law. By signing and submitting this application for a public charter school, the applicant expressly assures the Board that:

1. No tuition will be charged to students attending the public charter school.
2. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth.
3. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.
4. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.
5. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.
6. The public charter school policies and procedures will comply with the federal *Family Educational Rights* and *Privacy Act* (FERPA) and the records retention schedules for public schools, and that such policies and schedules will be acceptable to the local education agency.
7. The public charter school programs, services, and activities will operate in accordance with all applicable federal and state laws and regulations, including the federal *Americans with Disabilities Act* (ADA), the federal *Individuals with Disabilities Education Improvement Act* (IDEA), Section 504 of the federal *Rehabilitation Act of 1973*, and the Virginia *Freedom of Information Act*.

8. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ **2.2-3700** et seq.).
9. The applicant has knowledge of and will comply with the *Virginia Conflict of Interest Act.*
10. Transportation will be provided consistent with state law and regulation. (Sections 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 Virginia Board of Education's *Regulation Governing Pupil Transportation*).
11. The applicant will provide information regarding the proposed term of its contract with a local school board and notification of closure, should the charter be revoked or fail to be renewed. (Section 22.1-212.12, *Code of Virginia*).
12. Public charter schools are subject to all federal laws and authorities as set forth in the charter contract with the local school board.
13. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

Assurances approved by the Virginia Board of Education: By signing and submitting this application for a public charter school, the applicant expressly assures the Board that:

1. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged; and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.
2. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:
    a. Student academic proficiency;
    b. Student academic growth;
    c. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English learner status, and gifted status;
    d. Attendance;
    e. Recurrent annual enrollment;
    f. Postsecondary education readiness of high school students;
    g. Financial performance and sustainability; and
    h. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.

3. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.
4. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.
5. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.
6. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee.
7. Within ten days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.
8. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.
9. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board-approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.
10. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.
11. If the application is approved by a local school board, all requests for waivers from the Virginia 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. (This does not preclude a public charter school from working with the local school board to request additional waivers once the school is operational.)
12. The public charter school will comply with all provisions of the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia*.

Pursuant to the requirements, I hereby certify that to the best of my knowledge the information in this application is correct, and that the applicant has addressed all application elements that pertain to the proposed public charter school, and that the applicant understands and will comply with the assurances listed above.

Name of Authorized Official: _____ Title: _____

Signature of Authorized Official: _____ Date: _____

ATTACHMENT C

Virginia Public Charter School Application Process

(Revised July 2016)

Director for Board Relations
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120
Phone: (804) 225-2924
E-mail: BOE@doe.virginia.gov

Virginia Public Charter School Application Process
Virginia Board of Education

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Virginia Public Charter School Application Process
Virginia Board of Education

SECTION I: BACKGROUND

Article 1.2 in Title 22.1, Chapter 13 of the *Code of Virginia* (Sections 22.1-212.5 through 22.1-212.16) provides for the authorization and oversight of public charter schools in Virginia.

Section 22.1-212.5 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.H requires all applications for public charter schools to be submitted to the Virginia Board of Education (Board) for review prior to the submission of the application to the local school board. Charter school applications must address a list of elements required by Section 22.1-212.8. The Board is required to review, comment, and make a determination as to whether the application meets approval criteria developed by the Board.

However, charter school applications initiated by one or more local school boards are *not* subject to review by the Board of Education. The division would submit a charter school application for each of the new or conversion schools to its local school board for approval. A local school board intending to open a new charter school or convert an existing charter school is still required to adhere to Article 1.2 and must address all application elements required in the charter school law, including the provisions specifically for conversions of existing public schools.

Applications must adhere to the format prescribed by the Board and address the application elements stated in Section 22.1-212.8. The Board is required to render a decision on whether the application meets its approval criteria. A decision by the Board that an application meets its approval criteria does not guarantee that the local school board will approve a request for a charter.

Requirements of the law for applications subject to review by the Board of Education are mirrored in the Board's Virginia Public Charter School Application.

For additional information on public charter schools in Virginia, please visit the Virginia Department of Education's (VDOE) Web site at:
http://www.doe.virginia.gov/instruction/charter_schools/index.shtml.

SECTION II: GENERAL INSTRUCTIONS

Applications for public charter schools should be submitted to the Board within a time frame that is adequate to ensure that the public charter school application will also be submitted to the local school board in accordance with the application policies of said local school board.

The application process for Board review takes approximately six months but may extend longer if additional time is required to address application deficiencies. Unless otherwise addressed by the local school board policies, an applicant should consider allowing at least 18 months after state Board review and subsequent submission to the local school board to the proposed opening date for the public charter school.

Prospective charter school applicants are encouraged to contact a local school division for assistance in advance of submitting an application to the Board or the school division, and school division leadership may communicate with any applicant or potential applicant. Working with the local school division prior to submission of the application can help to ensure a smooth transition for any charter school that may be approved by the local school board and then established within the local school division.

Part A: Submission to Virginia Department of Education

Two hard copies of the completed application with the original signature of the authorized official on the cover page and on the certification page must be submitted to:

Director for Board Relations
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

In addition, a PDF version of the completed application document should be sent to the following address: BOE@doe.virginia.gov. Applicants may also submit a PDF version of the completed application document on a portable storage device, mailed to the address above.

Part B: Schedule for Review

Initial Receipt of Application

When the Board receives an application, Virginia Department of Education (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, VDOE will notify the applicant within 15 business days of the 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 within the 30 business days, VDOE will contact the applicant and will make a second request for the

outstanding information. In this communication, VDOE will indicate that the application will not be considered for review by the Board's Charter School Committee until all required information is received. The applicant may submit the additional information within 10 business days from the receipt of the second request or withdraw the application and resubmit it at a later date.

Virginia Board of Education's Charter School Committee

The Board has appointed a charter school committee to examine applications to ensure they are consistent with existing state law and the Board's approval criteria. After the application is deemed to include all of the application elements in the required format, it is sent to the Board's Charter School Committee members and posted on the Board's Standing Committee web page at the following link:
http://www.doe.virginia.gov/boe/committees_standing/charter_schools/index.shtml. The committee begins their review and selected VDOE staff review and comment on each criteria (component).

Initial Meeting with the Charter School Committee

An initial meeting will be scheduled with the Board's Charter School Committee based on the meeting schedule and consultation with the applicant. All meetings of the Board's Charter School Committee are publicly noticed at:
http://www.doe.virginia.gov/boe/committees_standing/index.shtml#lab.

Although every effort is taken to ensure that the initial committee meeting will be held not later than 60 business days after the completed application is received, exceptions to scheduling may occur.

At the initial meeting of the committee, the applicant and members of the charter school's management team or a representative of the organization submitting the application for a public charter school must attend and should be prepared to discuss the contents of the application and address the committee members' questions. VDOE staff, on behalf of the Board, may also invite representatives of the applicable local school board to attend the meeting or request public comment 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.

At the conclusion of the meeting, the committee will discuss the extent to which the application meets the Board's approval criteria and take a consensus vote on each of the criterion and on the application as a whole.

- If the committee agrees by overall consensus that the criteria are met, the application will be presented to the Board; or
- If the committee decides that not all criteria are met, the applicant will be provided time to address those criteria and will be given the opportunity to meet with the committee at a second meeting.

Within ten business days following the meeting, VDOE staff, on behalf of the committee, will prepare a report that summarizes the committee's determination.

Second Meeting with the Charter School Committee (if necessary)

When the applicant has addressed the criteria that are not met, the applicant will notify the VDOE six weeks in advance to schedule a second meeting with the committee.

- A revised application will be sent to VDOE no later than six weeks before the scheduled meeting.
- The application will be submitted in its entirety.
    - Criteria that were deemed met at the initial meeting will remain intact with no changes required by the applicant.
    - Criteria that were not met at the initial committee meeting will be addressed by the committee with the applicant.
- At the conclusion of the meeting, the committee will discuss if the application meets the Board's approval criteria on those criterion that were not previously met.
    - A count will be taken of the criteria met from the initial and from the second meeting.
    - The committee will take a consensus vote on the overall application and recommend presenting the application to the Board for review, or provide an additional opportunity for the applicant to address remaining deficiencies.

Within ten business days following the second meeting, VDOE staff, on behalf of the committee, will prepare a report that summarizes the committee's determination. Any plans for further review by the committee will be discussed with the applicant.

Action by the Virginia Board of Education

For applications proceeding to the Board for review, the Charter School Committee report will be presented for first and final review. The report will generally be presented at the Board's next scheduled business meeting, but exceptions may occur. The applicant will be requested to attend these meetings to answer questions or make comments on the application.

At the meeting for final review, the Board will take one of the following actions:

> *Action 1:* The Board will render a decision that the application meets the Board's approval criteria; or
>
> *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 within a mutually agreed upon time frame with the applicant. If the applicant cannot address the deficiencies within the agreed upon date, the applicant may withdraw the application.

Following either action by the Board, the applicant will be formally notified by VDOE of the Board's decision within ten 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.

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. A decision by the Board that an application meets its approval criteria does not guarantee that a local school board will approve a request for a charter.

Withdrawal of an Application

An applicant may withdraw an application at any time during the review process and resubmit it at a later date. An application that is withdrawn and subsequently resubmitted is considered as a new charter school application.

Part C: Technical Assistance Following Submission to the Local School Board

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, 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 VDOE as stated in Section 22.1-212.10, *Code of Virginia*. Requests, describing in detail the technical assistance needs, should be addressed to Diane Jay, associate director, office of program administration and accountability, at Diane.Jay@doe.virginia.gov or (804) 225-2905. VDOE staff will work with each applicant or charter school operator on a case-by-case basis to address individual technical assistance needs.

Part D: Additional Information

The following Web site contains additional information regarding public charter schools in Virginia: http://www.doe.virginia.gov/instruction/charter_schools/index.shtml. Inquiries regarding charter schools can be made to:

Diane Jay
Associate Director
Office of Program Administration and Accountability
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120
Phone: (804) 225-2905
E-mail: Diane.Jay@doe.virginia.gov

The Virginia Freedom of Information Act (FOIA), Sections 2.2-3700 et seq. of the *Code of Virginia*, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. Please be advised that documents submitted to the Virginia Department of Education are subject to FOIA and must be released in response to a FOIA request unless the records are exempt as specifically provided by law.

SECTION III: APPLICATION COMPONENTS

Listed below are the required components of a complete application. The application is available on the Virginia Department of Education's (VDOE) Web site at: http://www.doe.virginia.gov/instruction/charter_schools/index.shtml.

The application narrative must contain all of the elements listed below as required by Section 22.1-212.8 of the *Code of Virginia*.

Executive Summary I

I. Provide an executive summary that addresses the need for the public charter school and any discussions to date with the local public school division or local school board on the establishment of the charter school. If there have been no discussions to date, please indicate the reason. (The suggested length is two pages.)

Education Components II-V

II. ***Mission Statement:*** Provide a mission statement that is consistent with the principles of the Standards of Quality (SOQ) (Section 22.1-253.13:1, *Code of Virginia*), including identification of the targeted academic program of study.

III. ***Evidence of Support:*** Provide evidence of need and community support for the proposed public charter school.

IV. ***Statement of Need:*** Describe the need for a public charter school in a school division or relevant school divisions or in a geographic area within a school division or relevant school divisions, including the location or geographic area proposed for the public charter school and the grades to be served each year for the full term of the charter contract.

V. ***Educational Program:*** Describe the public charter school's educational program. The following components must be addressed:

1. A description of the academic program that is aligned with the Standards of Learning.

2. A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.

3. Information regarding the minimum planned, and maximum enrollment per grade level for the term of the charter contract.

4. A description of plans for identifying and successfully serving: a) students with disabilities; b) English Learners (ELs); students who lag behind academically; and d) gifted students, including compliance with applicable laws and regulations.

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7. A statement of opportunities and expectations for parental involvement.

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Business Components IX-XII

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2. An organization chart that clearly presents the pubic charter school's organization structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.

3. A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organizational chart.

4. The proposed governing bylaws.

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3. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.
4. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.
5. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.
6. The public charter school policies and procedures will comply with the federal *Family Educational Rights* and *Privacy Act* (FERPA) and the records retention schedules for public schools, and that such policies and schedules will be acceptable to the local education agency.
7. The public charter school programs, services, and activities will operate in accordance with all applicable federal and state laws and regulations, including the federal *Americans with Disabilities Act* (ADA), the federal *Individuals with Disabilities Education Improvement Act* (IDEA), Section 504 of the federal *Rehabilitation Act of 1973*, and the Virginia *Freedom of Information Act*.
8. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ **2.2-3700** et seq.).
9. The applicant has knowledge of and will comply with the *Virginia Conflict of Interest Act.*
10. Transportation will be provided consistent with state law and regulation. (Sections 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 Virginia Board of Education's *Regulation Governing Pupil Transportation*)
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13. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

Assurances approved by the Virginia Board of Education: By signing and submitting this application for a public charter school, the applicant expressly assures the Board that:

1. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.
2. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:
    a. Student academic proficiency;
    b. Student academic growth;
    c. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English learner status, and gifted status;
    d. Attendance;
    e. Recurrent annual enrollment;
    f. Postsecondary education readiness of high school students;
    g. Financial performance and sustainability; and
    h. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.
3. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.
4. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English learner status, and gifted status.
5. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.
6. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee.
7. Within ten days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.
8. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.

9. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board-approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.
10. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.
11. If the application is approved by a local school board, all requests for waivers from the Virginia 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. (This does not preclude a public charter school from working with the local school board to request additional waivers once the school is operational.)
12. The public charter school will comply with all provisions of the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia*.

Pursuant to the requirements, I hereby certify that to the best of my knowledge the information in this application is correct, and that the applicant has addressed all application elements that pertain to the proposed public charter school, and that the applicant understands and will comply with the assurances listed above.

Name of Authorized Official: _____ Title: _____

Signature of Authorized Official: _____ Date: _____

SECTION IV: VIRGINIA'S CHARTER SCHOOL LAWS

***Code of Virginia* (July 1, 2016)**

§ 22.1-212.5. Objectives; definitions.

A. In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide parents and students with more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools may be established in Virginia as provided in this article.

B. As used in this article:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"Public charter school" means 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.

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards.

1998, cc. 748, 890; 2000, cc. 631, 712, 1028; 2004, c. 530; 2005, c. 928.

§ 22.1-212.5:1. Public Charter School Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Public Charter School Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Any gifts, grants, bequests, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of

establishing or supporting public charter schools in the Commonwealth that stimulate the development of alternative public education programs. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction. The Board of Education shall establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

2007, c. 118.

§ 22.1-212.6. Establishment and operation of public charter schools; requirements.

A. Enrollment in a public charter school 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, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. 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.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2002, c. 851; 2004, c. 530; 2012, cc. 702, 720; 2014, cc. 645, 693; 2016, c. 770.

§ 22.1-212.6:1. Applicability of other laws, regulations, policies, and procedures.

A. Public charter schools are subject to all federal laws and authorities as set forth in this article and the charter contract with the local school board.

B. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided in this article.

C. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

D. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

F. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

G. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

2016, c. 770.

§ 22.1-212.7. Contracts for public charter schools.

A. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

B. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:

1. Student academic proficiency;

2. Student academic growth;

3. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status;

4. Attendance;

5. Recurrent annual enrollment;

6. Postsecondary education readiness of high school students;

7. Financial performance and sustainability; and

8. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.

C. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.

D. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.

E. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.

F. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

G. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.

H. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8VAC20-131-280 C of the Virginia Administrative Code.

I. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.

1998, cc. 748, 890; 2000, cc. 631, 712, 1028; 2002, c. 851; 2012, cc. 702, 720; 2016, c. 770.

§ 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

B. The public charter school application shall be a proposed agreement and shall include:

1. An executive summary.

2. A mission statement of the public charter school that is consistent with the principles of the Standards of Quality, including identification of the targeted academic program of study.

3. 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.

4. The location or geographic area proposed for the public charter school.

5. The grades to be served each year for the full term of the charter contract.

6. Minimum, planned, and maximum enrollment per grade level per year for the term of the charter contract.

7. Evidence of need and community support for the proposed public charter school.

8. Background information on the proposed founding management committee members and, if identified, the proposed public charter school leadership and management team.

9. The public charter school's proposed calendar and a sample daily schedule.

10. A description of the academic program that is aligned with the Standards of Learning.

11. A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.

12. The public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who lag behind academically, and gifted students, including compliance with applicable laws and regulations.

13. A description of cocurricular or extracurricular programs and how such programs will be funded and delivered.

14. Plans and timelines for student recruitment and enrollment, including lottery procedures.

15. The public charter school's student discipline policies, including discipline policies for special education students.

16. An organization chart that clearly presents the public charter school's organizational structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.

17. A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organization chart.

18. A staffing chart for the public charter school's first year and a staffing plan for the term of the charter contract.

19. Plans for recruiting and developing the public charter school's leadership and staff.

20. The public charter school's leadership and teacher employment policies.

21. Proposed governing bylaws.

22. Explanations of any partnerships or contractual relationships central to the public charter school's operations or mission.

23. The public charter school's plans for providing transportation, food service, and all other significant operational and ancillary services.

24. A statement of opportunities and expectations for parent involvement.

25. A detailed public charter school start-up plan that identifies tasks, timelines, and responsible individuals.

26. A description of the public charter school's financial plan and policies, including financial controls and audit requirements.

27. A description of the insurance coverage that the public charter school will obtain.

28. Start-up and five-year budgets with clearly stated assumptions.

29. Start-up and first-year cash-flow projections with clearly stated assumptions.

30. Evidence of anticipated fundraising contributions, if claimed in the application.

31. A sound facilities plan, including backup or contingency plans, if appropriate.

32. 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.

33. 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. The charter applicant shall include in the proposed agreement the results of any Board review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

1998, cc. 748, 890; 2000, cc. 631, 712, 1028; 2002, cc. 851, 874; 2004, c. 530; 2005, c. 928; 2009, c. 441; 2014, cc. 645, 693; 2016, c. 770.

§ 22.1-212.8:1. Innovation Technical Advisory Group.

The Department of Education may establish an Innovation Technical Advisory Group, comprised of individuals with experience in the establishment and operation of charter schools, college partnership laboratory schools, and virtual school programs, or it may retain the services of individuals with such experience to provide technical assistance and advice to the Board in carrying out its duties relating to charter schools, college partnership laboratory schools, and virtual school programs.

2012, c. 381.

§ 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. However, no charter school application that is initiated by one or more local school boards shall be subject to the provisions of 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 with 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.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2001, cc. 438, 469; 2002, c. 851; 2004, c. 530; 2010, cc. 393, 650; 2013, cc. 52, 225.

§ 22.1-212.10. Reconsideration and technical assistance; decision of local board final.
A. If a local school board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, shall be entitled to petition the local school board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, revoked, or not renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

B. Each local school board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the local school board for such decision.

C. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.

D. Upon reconsideration, the decision of a local school board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal. Following a local school board decision to deny a public charter school application or

to revoke or fail to renew a charter agreement, the local school board shall submit documentation to the Board of Education as to the rationale for the local school board's denial or revocation of the charter school application.

The Board of Education shall have no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement.

E. Nothing in this section shall prohibit an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application, pursuant to § 22.1-212.9.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2010, cc. 393, 650; 2012, cc. 702, 720.

§ 22.1-212.11. Public charter school restrictions.

A. Local school boards may establish public charter schools within the school division. Priority shall be given to public charter school applications designed to increase the educational opportunities of at-risk students, and at least one-half of the public charter schools per division shall be designed for at-risk students; however, the one-half requirement shall not apply in cases in which an existing public school is converted into a public charter school that serves the same community as the existing public school, nor shall such public charter school conversions be counted in the determination of school division compliance with the one-half requirement.

B. Local school boards shall report the grant or denial of public charter school applications to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted or denied; and whether a public charter school is designed to increase the educational opportunities of at-risk students.

C. Nothing in this article shall be construed to prevent a school that is the only school in the division from applying to become a public charter school.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2002, cc. 851, 874; 2004, c. 530; 2009, c. 441; 2014, cc. 645, 693.

§ 22.1-212.12. Public charter school term; renewals and revocations.

A. A charter may be approved or renewed for a period not to exceed five school years. A public charter school renewal application submitted to the local school board or, in the case of a regional public charter school, to the relevant school boards shall contain:

1. A report on the progress of the public charter school in achieving the goals, objectives, program and performance standards for students, and such other conditions and terms as the school board or boards may require upon granting initial approval of the charter application.

2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration, instruction, and other spending categories for the public charter school and that has been concisely and clearly written to enable the school board or boards and the public to compare such costs to those of other schools or comparable organizations.

B. Local school boards may revoke a charter if the public charter school:

1. Violates the conditions, standards, or procedures established in the public charter school application;

2. Fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;

3. Fails to meet generally accepted standards of fiscal management; or

4. Violates any provision of law from which the public charter school was not specifically exempted.

C. Nothing in this section shall be construed to restrict the authority of local school boards to decline to renew a charter agreement.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2002, c. 851; 2004, c. 530; 2012, cc. 702, 720.

§ 22.1-212.13. Employment of professional, licensed personnel.

A. At the discretion of the local school board, charter school personnel may be employees of the local school board, or boards, granting the charter. Any personnel not employed by the local school board shall remain subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

B. Professional, licensed education personnel may volunteer for assignment to a public charter school. Assignment in a public charter school shall be for one contract year. Upon request of the employee and the recommendation of the management committee of the public charter school, reassignment to the public charter school shall occur on an annual basis.

C. At the completion of each contract year, professional, licensed education personnel who request assignment to a public noncharter school in the relevant school division or who are not recommended for reassignment in the public charter school, other than for the grounds cited in § 22.1-307, shall be guaranteed an involuntary transfer to a public noncharter school in the school division according to the employment policies of the school division.

D. Professional, licensed personnel of a public charter school shall be granted the same employment benefits given to professional, licensed personnel in public noncharter schools in accordance with the policies of the relevant school board or boards.

E. School boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between such school board and the charter school; however, nothing herein shall require a school board to fund the residential or other services provided by a residential charter school.

1998, cc. 748, 890; 2000, cc. 631, 712, 1028; 2012, cc. 702, 720; 2016, c. 770.

§ 22.1-212.14. Funding of public charter schools; services provided.

A. For the purposes of this article, students enrolled in a public charter school shall be included in the average daily membership of the relevant school division and shall be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality.

B. Insofar as constitutionally valid, a local school board or, in the case of a regional public charter school, the relevant school boards may establish by contract an agreement stating the conditions for funding the public charter school, including funding for the educational program to be provided by a residential charter school for at-risk students. In accordance with subsection D, the per pupil funding provided to the charter school by the local school board or, in the case of a regional public charter school, the relevant school boards, shall be negotiated in the charter agreement and shall be commensurate with the average school-based costs of educating the students in the existing schools in the division or divisions unless the cost of operating the charter school is less than that average school-based cost.

C. Services provided the public charter school by the local school board or the relevant school boards, in the case of regional public charter schools, may include food services; custodial and maintenance services; curriculum, media, and library services; warehousing and merchandising; and such other services not prohibited by the provisions of this article or state and federal laws.

D. Funding and service agreements between local school boards and public charter schools shall not provide a financial incentive or constitute a financial disincentive to the establishment of a public charter school, including any regional public charter school.

E. Any educational and related fees collected from students enrolled at a public charter school shall be credited to the account of such public charter school established by the relevant local school board.

F. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to public charter schools enrolling such students. The

proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to public charter schools serving students eligible for such aid.

G. The management committee of a public charter school is authorized to accept gifts, donations, or grants of any kind made to the public charter school and to spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management committee of a public charter school if the conditions for such funds are contrary to law or the terms of the agreement between the local school board and the public charter school or, in the case of a regional public charter school, the relevant school boards and the regional public charter school.

H. The Department of Education shall provide technical assistance to local school boards relating to receipt, review, and ruling upon applications for public charter schools.

1998, cc. 748, 890; 2000, cc. 631, 712, 1028; 2002, c. 851; 2012, cc. 702, 720.

§ 22.1-212.15. Report of public charter schools.

The Board shall report the number of public charter schools established in the Commonwealth, as well as the number of charters denied, in its annual report to the Governor and the General Assembly pursuant to § 22.1-18.

1998, cc. 748, 890; 2000, cc. 631, 1028; 2002, cc. 851, 874; 2010, c. 61.

§ 22.1-212.16. Immunity.

Public charter schools shall be immune from liability to the same extent as all other public schools in the Commonwealth, and the employees and volunteers in a public charter school are immune from liability to the same extent as the employees and volunteers in a public school.

2002, c. 874.

ATTACHMENT D

Virginia
Public Charter School
Application Process

(Revised ~~June 2, 2015~~ July 2016)

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Virginia Public Charter School Application Process
Virginia Board of Education

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Virginia Public Charter School Application Process
Virginia Board of Education

SECTION I: BACKGROUND

Article 1.2 in Title 22.1, Chapter 13 of the Code of Virginia (Sections 22.1-212.5 through 22.1-212.16) provides for the authorization and oversight of public charter schools in Virginia.

Section 22.1-212.5 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.H requires all applications for public charter schools to be submitted to the Virginia Board of Education (Board) for review prior to the submission of the application to the local school board. Charter school applications must address a list of elements required by Section 22.1-212.8. The Board is required to review, comment, and make a determination as to whether the application meets approval criteria developed by the Board.

However, charter school applications initiated by one or more local school boards are not subject to review by the Board of Education. The division would submit a charter school application for each of the new or conversion schools to its local school board for approval. A local school board intending to open a new charter school or convert an existing charter school is still required to adhere to Article 1.2 and must address all application elements required in the charter school law, including the provisions specifically for conversions of existing public schools.

Applications must adhere to the format prescribed by the Board and address the application elements stated in Section 22.1-212.8. The Board is required to render a decision on whether the application meets its approval criteria. A decision by the Board that an application meets its approval criteria does not guarantee that the local school board will approve a request for a charter.

Requirements of the law for applications subject to review by the Board of Education are mirrored in the Board's Virginia Public Charter School Application ~~(Word)~~.

For additional information on public charter schools in Virginia, please visit the Virginia Department of Education's (VDOE) Web site at:
http://www.doe.virginia.gov/instruction/charter_schools/index.shtml.

SECTION II: GENERAL INSTRUCTIONS

Applications for public charter schools should be submitted to the Board within a time frame that is adequate enough to ensure that the public charter school application will also be submitted to the local school board in accordance with the application policies of said local school board.

The application process for Board review takes approximately six months but may extend longer if additional time is required to address application deficiencies. Unless otherwise addressed by the local school board policies, an applicant should consider allowing at least 18 months ~~from the time the application is submitted~~ after state Board review and subsequent submission to the local school board to the proposed opening date for the public charter school.

Prospective charter school applicants ~~may~~ are encouraged to contact a local school division for assistance in advance of submitting an application to the Board or the school division, and school division leadership may communicate with any applicant or potential applicant. Working with the local school division prior to submission of the application can help to ensure a smooth transition for any charter school that may be approved by the local school board and then established within the local school division.

Part A: Submission to Virginia Department of Education

Two hard copies of the completed application with the original signature of the authorized official on the cover page and on the certification page must be submitted to:

~~Melissa Luchau~~
Director for Board Relations
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

In addition, a PDF version of the completed application document should be sent to ~~Melissa Luchau at Melissa.Luchau@doe.virginia.gov~~ the following address: BOE@doe.virginia.gov. Applicants may also submit a PDF version of the completed application document on a portable storage device, mailed to the address above.

Part B: Schedule for Review ~~by the Virginia Board of Education~~

Initial Receipt of Application

When the Board receives an application, Virginia Department of Education (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, VDOE will notify the applicant within 15 business days of the 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 within the 30 business days, VDOE will contact the applicant and will make a second request for the outstanding information. In this communication, VDOE will indicate that the application will not be considered for review by the Board's Charter School Committee until all required information is received. The applicant may submit the additional information within 10 business days from the receipt of the second request or withdraw the application and resubmit it at a later date.

~~*Meeting with the*~~ *Virginia Board of Education's Charter School Committee*

The Board has appointed a charter school committee to examine applications to ensure they are consistent with existing state law and the Board's approval criteria. After the application is deemed to include all of the application elements in the required format, it is sent to the Board's Charter School Committee members and posted on the Board's Standing Committee web page at the following link:
http://www.doe.virginia.gov/boe/committees_standing/charter_schools/index.shtml. The committee begins their review and selected VDOE staff review and comment on each criteria (component).

~~If the application is deemed complete by VDOE, it will be sent to the Board's Charter School Committee members. The committee may appoint an advisory group to review the application and provide the committee with technical expertise. The Charter School Committee will meet not later than 60 business days after the completed application is received by VDOE. The individual applicant or a representative of the organization submitting the application for a public charter school must attend the meeting with the Board's Charter School Committee and should be prepared to discuss the contents of the application and address the committee members' questions. VDOE staff, on behalf of the Board, may also invite representatives of the applicable local school board to attend the meeting or 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. All meetings of the Board's Charter School Committee are publicly noticed at:
http://www.doe.virginia.gov/boe/committees_standing/index.shtml#lab.~~
~~*Initial Meeting with the Charter School Committee*~~

Initial Meeting with the Charter School Committee

An initial meeting will be scheduled with the Board's Charter School Committee based on the meeting schedule and consultation with the applicant. All meetings of the Board's Charter School Committee are publicly noticed at:
http://www.doe.virginia.gov/boe/committees_standing/index.shtml#lab.

Although every effort is taken to ensure that the initial committee meeting will be held not later than 60 business days after the completed application is received, exceptions to scheduling may occur.

At the initial meeting of the committee, the applicant and members of the charter school's management team or a representative of the organization submitting the application for a public charter school must attend and should be prepared to discuss the contents of the application and address the committee members' questions. VDOE staff, on behalf of the Board, may also invite

representatives of the applicable local school board to attend the meeting or request public comment 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.

At the conclusion of the meeting, the committee will discuss the extent to which the application meets the Board's approval criteria and take a consensus vote on each of the criterion and on the application as a whole.

- If the committee agrees by overall consensus that the criteria are met, the application will be presented to the Board; or
- If the committee decides that not all criteria are met, the applicant will be provided time to address those criteria and will be given the opportunity to meet with the committee at a second meeting.

Within ten business days following the meeting, VDOE staff, on behalf of the committee, will prepare a report that summarizes the committee's determination.

Second Meeting with the Charter School Committee (if necessary)

When the applicant has addressed the criteria that are not met, the applicant will notify the VDOE six weeks in advance to schedule a second meeting with the committee.

- A revised application will be sent to VDOE no later than six weeks before the scheduled meeting.
- The application will be submitted in its entirety.
    - Criteria that were deemed met at the initial meeting will remain intact with no changes required by the applicant.
    - Criteria that were not met at the initial committee meeting will be addressed by the committee with the applicant.
- At the conclusion of the meeting, the committee will discuss if the application meets the Board's approval criteria on those criterion that were not previously met.
    - A count will be taken of the criteria met from the initial and from the second meeting.
    - The committee will take a consensus vote on the overall application and recommend presenting the application to the Board for review, or provide an additional opportunity for the applicant to address remaining deficiencies.

Within ten business days following the second meeting, VDOE staff, on behalf of the committee, will prepare a report that summarizes the committee's determination. Any plans for further review by the committee will be discussed with the applicant.

Action by the Virginia Board of Education

~~Following the meeting of the applicant with the Board's Charter School Committee, VDOE staff, on behalf of the committee, will prepare a report with the determination from the Board's Charter School 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 Charter School Committee report will be presented at the next regularly scheduled full Board meeting.~~ For applications proceeding to the Board for review, the Charter School Committee report will be presented for first and final review. The report will generally be presented at the Board's next scheduled business meeting, but exceptions may occur. The applicant will be requested to attend ~~this~~ these meetings to answer questions or make comments on the application.

At ~~this~~ the meeting for final review, the Board will take one of the following actions:

> *Action 1:* The Board will render a decision that the application meets the Board's approval criteria~~.~~; or
>
> *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 within a mutually agreed upon time frame with the applicant. If the applicant cannot address the deficiencies within the agreed upon date, the applicant may ~~also~~ withdraw the application. ~~at any time and resubmit it at a later date.~~

Following either action by the Board, the applicant will be formally notified by VDOE of the Board's decision within ~~five~~ ten 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.

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. A decision by the Board that an application meets its approval criteria does not guarantee that a local school board will approve a request for a charter.

Withdrawal of an Application

An applicant may withdraw an application at any time during the review process and resubmit it at a later date. With a withdrawal and resubmission, the application will be considered as a new charter school applicant.

Part C: Technical Assistance Following Submission to the Local School Board

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, 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 VDOE as stated in Section 22.1-212.10, *Code of Virginia*. Requests, describing in detail the technical assistance needs, should be addressed to Diane Jay, associate director, office of program administration and accountability, at Diane.Jay@doe.virginia.gov or (804) 225-2905. VDOE staff will work with each applicant or charter school operator on a case-by-case basis to address individual technical assistance needs.

Part D: Additional Information

The following Web site contains additional information regarding public charter schools in Virginia: http://www.doe.virginia.gov/instruction/charter_schools/index.shtml. Inquiries regarding charter schools can be made to:

Diane Jay
Associate Director
Office of Program Administration and Accountability
Virginia Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120
Phone: (804) 225-2905
E-mail: Diane.Jay@doe.virginia.gov

The Virginia Freedom of Information Act (FOIA), §§ 2.2-3700 et seq. of the *Code of Virginia*, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. Please be advised that documents submitted to the Virginia Department of Education are subject to FOIA and must be released in response to a FOIA request unless the records are exempt as specifically provided by law.

SECTION III: APPLICATION COMPONENTS

Listed below are the required components of a complete application. The application is available on the Virginia Department of Education's (VDOE) Web site at: http://www.doe.virginia.gov/instruction/charter_schools/index.shtml.

The application narrative must contain all of the elements listed below as required by Section 22.1-212.8 of the *Code of Virginia*.

~~**Part A: Applicant Information**~~
~~This section provides background information on the proposed public charter school, contact information for the applicant, and the prior experience of the applicant, or organization submitting the application, with establishing and operating a charter school.~~

~~**Part B: Narrative Information**~~
~~This section provides a detailed description of the proposed public charter school.~~

~~I. ***Executive Summary:*** Criterion I. The executive summary is an overview of the proposed charter school and must include the need for the public charter school and its goals and objectives. (The suggested length is two pages.)~~

~~Education Components Criteria II-VI~~

~~II. ***Mission Statement:*** The mission statement must be consistent with the principles of the Standards of Quality (SOQ). 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 Virginia SOQ. (Section 22.1-253.13:1, *Code of Virginia*)~~
2. ~~A description of any specialized area of academic concentration.~~
3. ~~Information about the public charter school's anticipated student population consistent with Section 22.1-212.6, of the *Code of Virginia*.~~

~~III. ***Goals and Educational Objectives:*** The goals and educational objectives to be achieved by the public charter school, which educational objectives must meet or exceed the Standards of Learning (SOL). The following components must be addressed:~~

1. ~~A description of the performance-based goals.~~
2. ~~A description of the related measurable educational objectives to be achieved by the public charter school. (Section 22.1-253.13:1.B, *Code of Virginia*)~~

~~IV. ***Evidence of Support:*** 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.~~
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:*** 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. The following components must be addressed:~~

1. ~~A statement of the need for a public charter school that describes the targeted school population to be served and the reasons for locating the school within a particular school division.~~
2. ~~An explanation of why the public charter school is being formed. (Is the school being formed at the requests of parents or community organizations? How was the need determined? What data were examined as part of the needs assessment? Briefly describe the need and include a summary of the quantitative data.)~~
3. ~~An explanation of why a public charter school is the appropriate vehicle to address the identified need.~~

~~VI. ***Educational Program:*** The applicant should provide a description of the public charter school's educational program. The following components must be addressed:~~

1. ~~A synopsis 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 Virginia SOQ. (Sections 22.1-253.13:1 through 22.1-253.13:9, *Code of Virginia*)~~
3. ~~A description of how the Virginia SOL and the corresponding SOL Curriculum Framework will be used as the foundation for curricula to be implemented for each grade or course in the public charter school. Include within the description how the goals and objectives of the curricula will meet or exceed the Virginia Standards of Learning (SOL), address student performance standards, relate to state and federal assessment standards, and include measurable student outcomes (See http://www.doe.virginia.gov/testing/index.shtml on the Department's Web site for more information about the SOL).~~
4. ~~A description of any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the SOL assessments prescribed by Section 22.1-253.13:3, in the *Code of Virginia*.~~
5. ~~A description of the public charter school assessment plan to obtain student performance data, which includes how the data will be used to monitor and improve achievement and how program effectiveness will be measured over a specified period of time. Also, provide benchmark data on how student achievement will be measured and how these data will be established and documented in the first year of operation and how the data will be measured over each year of the term of the charter as approved by the local school board. The benchmark data should address targets for student improvement for each year.~~
6. ~~The timeline for achievement of pupil performance standards, in accordance with the Virginia SOL.~~
7. ~~An explanation of the procedures for corrective actions needed in the event that pupil performance at the public charter school falls below the standards outlined in the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, (8 VAC 20-131-310).~~
8. ~~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.~~
9. ~~Information regarding the proposed calendar and daily schedule, including any plans to open prior to Labor Day and how and when a waiver to open early will be submitted by the local school board to the Virginia Board of Education. (Section 22.1-79.1, *Code of Virginia*)~~
10. ~~A description of plans for identifying and serving: a) students with disabilities; b) English Language Learners (ELLs); c) academically at-risk students; and d) gifted and talented students. Such plans must include the extent of the involvement of the local school board in providing such services and must comply with state and federal laws and regulations.~~
11. ~~A description of the learning environment and scientifically research-based instructional strategies to be used at the public charter school to ensure student achievement.~~
12. ~~A description of co-curricular or extracurricular programs to be offered and how they will be funded and delivered.~~

If applicable, the following components should be addressed by the proposed public charter school:

13. If the public charter school plans to utilize virtual learning in its educational program, identify the virtual learning source, describe how virtual learning will be used and estimate how many students may participate.
14. A general description of any alternative accreditation plans, in accordance with the Virginia 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 Virginia Board of Education for approval.
15. A general description of any alternative accreditation plan for serving students with disabilities, in accordance with the Virginia 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 Virginia Board of Education for approval.

Logistical Components Criteria VII-X

VII. ***Enrollment Process:*** A description of the enrollment process that 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. (Section 22.1-212.6, *Code of Virginia*) The following components must be addressed:

1. A description of the lottery process to be used to determine the public charter school enrollment.
2. A description of the lottery process to be used for the establishment of a waiting list for such students for whom space is unavailable.
3. A description of a tailored admission policy that meets the specific mission or focus of the public charter school, if applicable.
4. 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.
5. A description of 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.
6. An explanation of how the applicant will ensure that, consistent with the public charter school's mission and purpose, 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.
7. A description of how the transfer of student records and other program information to and from the public charter school will be accomplished.

8. ~~A description of how students seeking enrollment after the school year begins will be accommodated.~~

VIII. ~~***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. (Section 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 activities 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 to parents/guardians of students attending the school and teachers and administrators of the closure date.~~
3. ~~A notification process to parents/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 parent/guardian or another school identified by the parent or guardian within a set time period. If the student transfers to another school division, provisions for the transfer of the student's record to the school division to which the student transfers shall be made upon the request of that school division. (Section 22.1-289, *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.~~
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 school's records and financial accounts upon closure.~~

IX. ~~***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 provided: a) by the local school division; b) by the public charter school; c) by the parent(s); or d) through a combination of these options.~~
2. ~~If transportation services will be provided by the public charter school, explain whether the school will contract for transportation with the local education agency or with another entity or have its own means of transportation and indicate whether transportation will be provided to all students attending the school.~~

3. ~~A description of transportation services for students with disabilities in compliance with Section 22.1-221 of the *Code of Virginia* and the Board's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.~~

~~X. ***Residential Charter School:*** If the application is for a residential charter school for at-risk students, 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, dormitories, and staffing; c) a program for parental education and involvement; d) a description of after-care initiatives; e) the funding the residential facility and other services provided; f) any counseling and other social services to be provided and their coordination with current state and local initiatives; and g) a description of enrichment activities available to students.~~
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.~~

~~Business Components Criteria XI-XV~~

~~XI. ***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. The following components should be addressed:~~

1. ~~A description of the public charter school's financial plan, including financial controls and audit requirements in accordance with generally accepted accounting principles.~~
2. ~~A start-up and three-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures.~~
3. ~~A start-up and three-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue.~~
4. ~~A description of anticipated fundraising contributions, if applicable.~~
5. ~~A description of the funding agreement that the public charter school intends to have with the local education agency, including information regarding anticipated local, state, and federal per-pupil amounts to be received and any information pertaining to the maintenance of facilities.~~

~~XII. ***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. (Section 22.1-212.7, *Code of Virginia*) The following components must be addressed:~~

1. ~~A description of any discussions, to date, with the local public school system or local school board where the charter school will be located regarding the management and operation of the public charter school.~~
2. ~~A description of the functions, roles, and duties of the management committee as defined in Section 22.1-212.6 of the *Code of Virginia* and its proposed composition and bylaws.~~

3. ~~An explanation of how support services will be provided. These services, include, but are not limited to: 1) food services; 2) school health services; 3) custodial services; 4) extracurricular activities; and 5) security services.~~
4. ~~An explanation of any partnerships or contractual relationships (education management organization, food services, school health services, custodial services, security services, etc.) 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 Section 22.1-296.1, of the *Code of Virginia*.~~
5. ~~A detailed start-up plan, identifying tasks, timelines, and responsible individuals.~~
6. ~~A proposed organization chart.~~
7. ~~Plans for recruiting school leadership and staff.~~

~~XIII. ***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. (Sections 22.1-212.13, 22.1-296.1, 22.1-296.2, and 22.1-296.4. *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 Virginia Board of Education licensing endorsements.~~
2. ~~A plan to provide high-quality professional development programs (Section 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.~~
6. ~~A staffing chart for the school's first year and a staffing plan for the term of the contract.~~

~~XIV. ***Liability and Insurance:*** An agreement between the parties regarding their respective legal liability and applicable insurance coverage. (Section 22.1-212.16, *Code of Virginia*) The following components must be addressed:~~

1. ~~The types of insurance for the public 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: a) general liability; b) health; and c) property.~~
2. ~~A justification for each type of insurance coverage sought.~~
3. ~~A description of any plans of the public charter school to provide indemnity for the local school division.~~

~~XV. ***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 during the term of the charter. (Section 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.~~

Executive Summary I

I. Provide an executive summary that addresses the need for the public charter school-and any discussions to date with the local public school division or local school board on the establishment of the charter school. If there have been no discussions to date, please indicate the reason. (The suggested length is two pages.)

Education Components II-V

II. ***Mission Statement:*** Provide a mission statement that is consistent with the principles of the Standards of Quality (SOQ) (Section 22.1-253.13:1, *Code of Virginia*) , including identification of the targeted academic program of study.

III. ***Evidence of Support:*** Provide evidence of need and community support for the proposed public charter school.

IV. ***Statement of Need:*** Describe the need for a public charter school in a school division or relevant school divisions or in a geographic area within a school division or relevant school divisions, including the location or geographic area proposed for the public charter school and the grades to be served each year for the full term of the charter contract.

V. ***Educational Program:*** Describe the public charter school's educational program. The following components must be addressed:

1. A description of the academic program that is aligned with the Standards of Learning.

2. A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.

3. Information regarding the minimum planned, and maximum enrollment per grade level for the term of the charter contract.

4. A description of plans for identifying and successfully serving: a) students with disabilities; b) English Learners (ELs); students who lag behind academically; and d) gifted students, including compliance with applicable laws and regulations.

5. A description of co-curricular or extracurricular programs to be offered and how they will be funded and delivered.

6. The public charter school's student discipline policies, including discipline policies for special education students.

7. A statement of opportunities and expectations for parental involvement.

Logistical Components VI-VIII

VI. ***Enrollment Process:*** Describe plans and timelines for student recruitment and enrollment, including lottery procedures.

VII. ***Displacement:*** Describe the 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.

VIII. ***Transportation, Food Service, and Operational and Ancillary Services:*** Describe the public charter school's plans for providing transportation, food service, and all other significant operational and ancillary services.

Business Components IX-XII

IX. ***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. The following components should be addressed:

1. A description of the public charter school's financial plan, including financial controls and audit requirements.

2. Start-up and five-year budgets with clearly stated assumptions.

3. Start-up and first-year cash flow projections with clearly stated assumptions.

4. Evidence of anticipated fundraising contributions, if claimed in this application.

5. A sound facilities plan, including backup or contingency plans, if appropriate.

X. ***Management and Operation:*** Provide information on the management and operation of the public charter school. The following components must be addressed to the extent the applicant is able, pending negotiations with the local school board:

1. Background on proposed founding management committee members and, if identified, the proposed public charter school leadership and management team.

2. An organization chart that clearly presents the pubic charter school's organization structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.

3. A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organizational chart.

4. The proposed governing bylaws.

5. An explanation of any partnerships or contractual relationships central to the school's operations or mission.

6. A detailed public charter school start-up plan, identifying tasks, timelines, and responsible individuals.

7. The public charter school's proposed calendar and a sample daily schedule.

XI. ***Employment Terms and Conditions:*** At the discretion of the local school board, charter school personnel may be employees of the local school board, or boards, granting the charter. Any personnel not employed by the local school board shall remain subject to the provisions of Sections 22.1-296.1, 22.1-296.2, and 22.1-296.4. The following components must be addressed:

1. The public charter school's leadership and teacher employment policies.

2. Plans for recruiting and developing the public charter school's leadership and staff.

3. A staffing chart for the school's first year and a staffing plan for the term of the contract.

XII. ***Insurance:*** Describe the insurance coverage that the public charter school will obtain.

~~Part C:~~ Assurances and Certification

Assurances required by the *Code of Virginia*: The assurances in the *Code of Virginia* represent the policies and procedures that must be developed ~~and addressed in the application~~ by the public charter school to carry out the provisions of the law. By signing and submitting an application for a public charter school, the applicant expressly assures the Board that:

1. No tuition will be charged to students attending the public charter school.
2. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth.
3. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.
4. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.
5. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.
6. The public charter school policies and procedures will comply with the federal *Family Educational Rights* and *Privacy Act* (FERPA) and the records retention schedules for public schools, and that such policies and schedules will be acceptable to the local education agency.

7. The public charter school programs, services, and activities will operate in accordance with all applicable federal and state laws and regulations, including the federal *Americans with Disabilities Act* (ADA), the federal *Individuals with Disabilities Education Improvement Act* (IDEA), Section 504 of the federal *Rehabilitation Act of 1973*, and the Virginia *Freedom of Information Act*.
8. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ **2.2-3700** et seq.).
9. The applicant has knowledge of and will comply with the *Virginia Conflict of Interest Act*.
10. Transportation plans will be consistent with state law and regulation. (Sections 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 Virginia Board of Education's *Regulation Governing Pupil Transportation*)
11. The applicant will provide information regarding the proposed term of its contract with a local school board and notification of closure, should the charter be revoked or fail to be renewed. (Section 22.1-212.12, *Code of Virginia*)
12. Public charter schools are subject to all federal laws and authorities as set forth in the charter contract with the local school board.
13. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

    ~~The school will be nonreligious in its admission policies, employment practices, instruction, and all other operations.~~

Assurances required by the Virginia Board of Education: By signing and submitting this application for a public charter school, the applicant expressly assures the Board that:

1. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.
2. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:
    a. Student academic proficiency;
    b. Student academic growth;

c. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status;
d. Attendance;
e. Recurrent annual enrollment;
f. Postsecondary education readiness of high school students;
g. Financial performance and sustainability; and
h. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.

3. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.
4. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.
5. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.
6. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee.
7. Within ten days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.
8. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.
9. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board-approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.
10. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.
11. If the application is approved by a local school board, all requests for waivers from the Virginia 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. (This does not preclude a public charter school from working with the local school board to request additional waivers once the school is operational.)
12. The public charter school will comply with all provisions of the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia*.

~~If the application is approved by the local school board, the applicant will take all actions necessary to enter into a contract with the local school board not later than nine months prior to the opening date of the public charter school.~~

~~If the application is approved by a local school board, the school leadership of the public charter school will be retained on contract no later than 60 days prior to the opening date of the school.~~

~~Facilities information will be provided, including but not limited to:~~

~~a. Suitable instructional space;~~
~~b. Provisions for library services;~~
~~c. Provisions for the safe administration and storage of student records and student medications;~~
~~d. Information regarding compliance with building and fire codes and compliance with the federal *Americans with Disabilities Act* (ADA);~~
~~e. General information on emergency evacuation plans;~~
~~f. Information regarding site location and preparation;~~
~~g. The structure of operation and maintenance services; and~~
~~h. Financial arrangements for facilities, including any lease arrangements with school divisions or other entities and whether debt will be incurred.~~

~~The applicant will 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 school board.~~

~~Part D: Certification~~

~~The applicant must certify that to the best of his/her knowledge the information in the application is correct, and that the applicant has addressed all application elements that pertain to the proposed public charter school, and that the applicant understands and will comply with the assurances listed above.~~

Pursuant to the requirements, I hereby certify that to the best of my knowledge the information in this application is correct, and that the applicant has addressed all application elements that pertain to the proposed public charter school, and that the applicant understands and will comply with the assurances listed above.

Name of Authorized Official: _____ Title: _____

Signature of Authorized Official: _____ Date: _____

SECTION IV: VIRGINIA'S CHARTER SCHOOL LAWS

Note: See Attachment A for a strikethrough version of Senate Bill 734 and Attachment C for the *Code of Virginia* enacted July 1, 2016, which incorporates changes from Senate Bill 734.

***Code of Virginia* (July 1, 2014)**

Section 22.1-212.5. Objectives; definitions.

A. In order to (i) stimulate the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and assessment; (iii) provide parents and students with more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, public charter schools may be established in Virginia as provided in this article.

B. As used in this article:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"Public charter school" means 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.

"Regional public charter school" means a public charter school operated by two or more school boards and chartered directly by the participating school boards.

Section 22.1-212.5:1. Public Charter School Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Public Charter School Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Any gifts, grants, bequests, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of establishing or supporting public charter schools in the Commonwealth that stimulate the development of alternative public education programs. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written

request signed by the Superintendent of Public Instruction. The Board of Education shall establish criteria for making distributions from the Fund to a public charter school requesting moneys from the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

Section 22.1-212.6. Establishment and operation of public charter schools; requirements.

A. A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

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, *except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process*. 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.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract and as specified in § 22.1-212.7, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school

division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

Section 22.1-212.7. Contracts for public charter schools; release from certain policies and regulations.

An approved charter application shall constitute an agreement, and its terms shall be the terms of a contract between the public charter school and the local school board or, in the case of a regional public charter school, between the regional public charter school and the relevant school boards. The contract between the public charter school and the local school board or relevant school boards shall reflect all agreements regarding the release of the public charter school from school division policies. Such contract between the public charter school and the local school board or relevant school boards shall reflect all requests for release of the public charter school from state regulations, consistent with the requirements of subsection B of Section 22.1-212.6. The local school board or relevant school boards, on behalf of the public charter school, shall request such releases from the Board of Education.

If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board of Education approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.

Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.

Section 22.1-212.8. Charter application.

A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.

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, *including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process*. 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.

Section 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. *However, no charter school application that is initiated by one or more local school boards shall be subject to the provisions of 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 with 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 22.1-212.10. Decision of local board final.

A. If a local school board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its Web site. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, shall be entitled to petition the local school board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, revoked, or not renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

B. Each local school board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the local school board for such decision.

C. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.

D. Upon reconsideration, the decision of a local school board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.

E. Nothing in this section shall prohibit an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application, pursuant to Section 22.1-212.9.

Section 22.1-212.11. Public charter school restrictions.

A. Local school boards may establish public charter schools within the school division. Priority shall be given to public charter school applications designed to increase the educational

opportunities of at-risk students, and at least one-half of the public charter schools per division shall be *designed* for at-risk students*; however, the one-half requirement shall not apply in cases in which an existing public school is converted into a public charter school that serves the same community as the existing public school, nor shall such public charter school conversions be counted in the determination of school division compliance with the one-half requirement*.

B. Local school boards shall report the grant or denial of public charter school applications to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted or denied; and whether a public charter school is designed to increase the educational opportunities of at-risk students.

C. Nothing in this article shall be construed to prevent a school that is the only school in the division from applying to become a public charter school.

Section 22.1-212.12. Public charter school term; renewals and revocations.

A. A charter may be approved or renewed for a period not to exceed five school years. A public charter school renewal application submitted to the local school board or, in the case of a regional public charter school, to the relevant school boards shall contain:

1. A report on the progress of the public charter school in achieving the goals, objectives, program and performance standards for students, and such other conditions and terms as the school board or boards may require upon granting initial approval of the charter application.

2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration, instruction, and other spending categories for the public charter school and that has been concisely and clearly written to enable the school board or boards and the public to compare such costs to those of other schools or comparable organizations.

B. Local school boards may revoke a charter if the public charter school:

1. Violates the conditions, standards, or procedures established in the public charter school application;

2. Fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;

3. Fails to meet generally accepted standards of fiscal management; or

4. Violates any provision of law from which the public charter school was not specifically exempted.

A charter may be revoked if the local school board determines, in its discretion, that it is not in the public interest or for the welfare of the students within the school division to continue the operation of the school or, in the case of a regional public charter school, to continue its participation in the operation of the school.

C. Nothing in this section shall be construed to restrict the authority of local school boards to decline to renew a charter agreement.

Section 22.1-212.13. Employment of professional, licensed personnel.

A. Public charter school personnel shall be employees of the local school board or boards granting the charter.

B. Professional, licensed education personnel may volunteer for assignment to a public charter school. Assignment in a public charter school shall be for one contract year. Upon request of the employee and the recommendation of the management committee of the public charter school, reassignment to the public charter school shall occur on an annual basis.

C. At the completion of each contract year, professional, licensed education personnel who request assignment to a public noncharter school in the relevant school division or who are not recommended for reassignment in the public charter school, other than for the grounds cited in Section 22.1-307, shall be guaranteed an involuntary transfer to a public noncharter school in the school division according to the employment policies of the school division.

D. Professional, licensed personnel of a public charter school shall be granted the same employment benefits given to professional, licensed personnel in public noncharter schools in accordance with the policies of the relevant school board or boards.

E. Nothing in this section shall be construed to restrict the authority of the local school board to assign professional, licensed personnel to a public charter school or any other public school as provided in Sections 22.1-293 and 22.1-295.

F. School boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between such school board and the charter school; however, nothing herein shall require a school board to fund the residential or other services provided by a residential charter school.

Section 22.1-212.14. Funding of public charter schools; services provided.

A. For the purposes of this article, students enrolled in a public charter school shall be included in the average daily membership of the relevant school division and shall be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality.

B. Insofar as constitutionally valid, a local school board or, in the case of a regional public charter school, the relevant school boards may establish by contract an agreement stating the conditions for funding the public charter school, including funding for the educational program to be provided by a residential charter school for at-risk students.

C. Services provided the public charter school by the local school board or the relevant school boards, in the case of regional public charter schools, may include food services; custodial and maintenance services; curriculum, media, and library services; warehousing and merchandising; and such other services not prohibited by the provisions of this article or state and federal laws.

D. Funding and service agreements between local school boards and public charter schools shall not provide a financial incentive or constitute a financial disincentive to the establishment of a public charter school, including any regional public charter school.

E. Any educational and related fees collected from students enrolled at a public charter school shall be credited to the account of such public charter school established by the relevant local school board.

F. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to public charter schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to public charter schools serving students eligible for such aid.

G. The management committee of a public charter school is authorized to accept gifts, donations, or grants of any kind made to the public charter school and to spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the management committee of a public charter school if the conditions for such funds are contrary to law or the terms of the agreement between the local school board and the public charter school or, in the case of a regional public charter school, the relevant school boards and the regional public charter school.

H. The Department of Education shall provide technical assistance to local school boards relating to receipt, review, and ruling upon applications for public charter schools.

Section 22.1-212.15. Report of public charter schools.

The Board shall report the number of public charter schools established in the Commonwealth, as well as the number of charters denied, in its annual report to the Governor and the General Assembly pursuant to § 22.1-18.

Section 22.1-212.16. Immunity.

Public charter schools shall be immune from liability to the same extent as all other public schools in the Commonwealth, and the employees and volunteers in a public charter school are immune from liability to the same extent as the employees and volunteers in a public school.