

CRITERIA FOR VIRGINIA BOARD OF EDUCATION REVIEW OF CHARTER SCHOOL APPLICATIONS

Introduction

The charter school legislation states that a public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The Board of Education's review shall take place prior to the submission to the local board.

Board of Education Responsibility

The Board of Education shall examine 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 providing technical assistance and verifying that the application addresses established criteria. It shall not include consideration as to whether the application shall be approved by the local school board.

Criteria

In accordance with the law, criteria have been established by the Board of Education and organized into three areas stipulated in the law: feasibility, curriculum, and financial soundness. These areas and the supporting criteria will be reviewed by the Board of Education. If the criteria have not been addressed, the board shall make note of the reason(s).

Qualifying Statements

Several statements will accompany the final report of the Board of Education for each charter school application reviewed. They are:

A statement verifying that the Board of Education's review is conducted outside the context of the division from which the charter school application was submitted and with no additional information or representative from that division. The review is based only on information presented in the application, which may or may not present accurately the local school division's instructional programs, operations, finances, or other information specific to a particular school division.

A qualifying statement verifying that all documents are complete only in the view of the Board of Education for the purposes of its actions in compliance with Section 22.1-212.9 C of the Code of Virginia.

A statement recommending that the local school board of a division receiving such application make an independent judgment as to the completeness of the charter school application for its review for implementation.

Area 1: Feasibility (References Sections I, II, III, and IV of the Virginia School Board Association [VSBA] charter school application, revised 5/04)

A. Mission statement (Section I)

The mission of the proposed charter school, including any specific area of concentration, is described. The statement includes the core philosophy or purpose of the school as well as the target student population. The mission is consistent with the Standards of Quality.

Criterion addressed___ Criterion not addressed ___

B. Goals and educational objectives that meet or exceed the Standards of Learning (Section II)

The application describes the goals and educational objectives of the proposed charter school and includes broad student achievement goals. The objectives are a concrete and measurable statement of what students should know and be able to do at various levels of education. They identify practices that will improve teaching and enhance learning.

Criterion addressed___ Criterion not addressed___

C. Evidence of support from parents, teachers, pupils, residents of the school division, in support of the formation of the public charter school (Section III)

Criterion addressed___ Criterion not addressed ___

D. Statement of need (Section IV)

The need for the charter school and how that need was determined is described.

Criterion addressed___ Criterion not addressed___

E. Comment on the criteria that were not addressed and the reasons (e.g., insufficient information, missing information, etc.).

Area 2: Curriculum (References Sections V, VI of the Virginia School Board Association [VSBA] charter school application, revised 5/04)

A. Public charter school's educational program (Section V)

The application describes the curriculum and the methods of instruction, including teaching materials and any innovative techniques to be used.

Criterion addressed___ Criterion not addressed ___

B. Pupil performance standards (Section V)

The application lists the pupil performance standards and how they were established.

Criterion addressed ___ Criterion not addressed ___

C. Pupil evaluation: assessments, timeline and corrective action (Section VI)

The application describes the plan for evaluating student performance, including 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.

Criterion addressed ___ Criterion not addressed ___

D. Included in the document is a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance fall below the stated standards and goals. (Section VI)

Criterion addressed ___ Criterion not addressed ___

E. Comment on the criteria that were not addressed and the reasons (e.g., insufficient information, missing information, etc.).

Area 3: Financial Soundness (References Section VIII of the Virginia School Board Association [VSBA] charter school application, revised 5/04). The review by the Board of Education is not intended to address the funds a local school board will provide the charter school. It is a technical review only, commenting on how the application addresses the criteria.

A. Financial Plan: Evidence of economical soundness, proposed budget and annual audit

A budget is provided. Included in the application are detailed sources of revenue and expenditures for the term of the charter and a description of the manner in which an annual audit of the financial and administrative operation of the charter school, including any services provided by the school division, will be conducted. Anticipated gifts, grants, or donations and a student fee scheduled are included.

Criterion addressed ___ Criterion not addressed ___

B. Comment if the criterion was not addressed and the reasons (e.g., insufficient information, missing information, etc.).

Comments:

**ADOPTING BLANKET WAIVER OF BOARD OF EDUCATION REGULATIONS AND
CHARTER SCHOOLS**

Resolution Number 1999-8

June 24, 1999

A motion carried unanimously to adopt a blanket waiver of regulations identified by staff as waivable for charter schools and also to provide ongoing review as new regulations are proposed.

The regulations so waived are as follows:

Adult Programs:

20-30-10

20-30-20

20-30-30

20-30-40

20-30-50

20-30-60

20-30-70

Gifted Education:

20-40-10

20-40-30

Pupil Transportation:

20-70-50

20-70-290

20-70-320

20-70-470

20-70-510

20-70-520

20-70-690

20-70-780

20-70-1380

20-70-1440

Pupil Accounting Records:

20-110-20
20-110-40
20-110-50
20-110-60
20-110-80
20-110-100
20-110-140

Vocational Education (Career and Technical Education):

20-120-50

Standards of Accreditation

20-131-90
20-131-100
20-131-120
20-131-130
20-131-140
20-131-160
20-131-190
20-131-210
20-131-240
20-131-280
20-131-290
20-131-300
20-131-310
20-131-320

Textbook Selection: Local Level:

20-230-40

Audio Visual Services:

20-300-10
20-300-20

Alternative Education:

20-330-10

Sick Leave Plan for Teachers:

20-460-10

20-460-20

20-460-30

20-460-40

20-460-50

20-460-60

Guidance and Counseling Programs:

20-620-10

Signature:

Kirk T. Schroder, President

Adopted in the Minutes of the Virginia Board of Education

June 24, 1999

Criteria for Making Distributions
from the Public Charter School Fund
Adopted by the Virginia Board of Education
January 10, 2008

Background

Section 22.1-212.5:1 of the *Code of Virginia*, as amended on July 1, 2007, creates in the treasury a special nonreverting public charter school fund. The language in Section [22.1-212.5:1](#) of the *Code* is found in Appendix A. The purpose of the Fund is to establish a mechanism whereby any gifts, grants, bequests, or donations from public or private sources can be paid into the state treasury and credited to the Fund. Interest earned on moneys remain in the Fund and at the end of each fiscal year shall not revert to the general fund but remain in the Fund. Moneys in the Fund are to 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.

On January 10, 2008, the Virginia Board of Education adopted criteria for making distributions from the Fund to a public charter school requesting moneys. To date, no gifts, grants, bequests, or donations have been received in the Fund for disbursements. When moneys become available in the Fund, their availability will be posted to the Department's Web site.

"Public charter school" is defined as a public, nonsectarian, 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.

The following criteria provide the eligibility requirements for public charter schools to receive moneys from the Fund.

Public Charter School Fund: Criteria

- Distribution from the Charter School Fund shall be used to provide moneys to assist with 1) establishing new public charter schools; and 2) supporting existing public charter schools.
- First priority for funding will be given to applicants establishing a new public charter school. "New" is defined as a school that has been issued permission to operate as a

charter for the first time whether it is a new public school or through the conversion of all or part of an existing public school. Prior to submitting a request for funding, an entity planning to request moneys for assistance with the establishment of a new public charter school must first have its charter school application approved by the local school board where the charter school is to be located.

- Second priority will be given to supporting public charter schools that: 1) have been in operation for more than one year, and 2) are fully accredited as required under 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.
- Awards made from the Fund shall be limited to \$10,000, or less, depending on the amount available in the Fund. The minimum award amount would be \$5,000.

Requests from the Fund

- To access moneys from the Fund, a letter of request must be sent to the office of Program Administration and Accountability, Virginia Department of Education, P.O. Box 2120, Richmond, Virginia, 23218-2120. Faxes or e-mails will not be accepted.
- For those seeking funds for a new charter school, the letter shall include the following components:
 - The amount of funds requested from the Fund;
 - Information about the proposed public charter school as follows:
 - Identification of the charter applicant;
 - Name of the proposed charter school;
 - A description and location of the physical facility in which the charter school will be located;
 - Number of students and grade or age levels to be served by the school;
 - Mission and measurable education goals of the charter school, the curriculum to be offered, and the methods of assessing whether students are meeting educational goals; and
 - A financial plan of how the entity will use the requested funds and be accountable for those funds, including a timeline.
 - A letter from the local school board confirming the date of approval of the charter school.

- For those seeking funds for an existing charter school, the letter shall include the following components:
 - The amount of funds requested from the Fund;
 - Information about the public charter school as follows:
 - Identification of the charter applicant;
 - Name of the charter school;
 - A description and location of the physical facility in which the charter school is located;
 - Number of students and grade or age levels served by the school;
 - Mission and measurable education goals of the charter school, the curriculum offered, and assessment results;
 - School accreditation ratings from the previous year; and
 - A financial plan of how the entity will use the requested funds and be accountable for those funds, including a timeline.
 - A letter from the local school board confirming that the charter school has operated for more than one year, has met the terms of its charter, and is in good standing with the school board.

Administration

- The Board of Education delegates authority to the Superintendent of Public Instruction for awarding and administering moneys from the Fund.
- An account will be established within the Department of Education to disburse moneys from the Public Charter School Fund, a special nonreverting fund, created in the state treasury in which gifts, grants, bequests, donations, or appropriations from public or private sources have been received and credited for the purpose of establishing or supporting public charter schools in the Commonwealth. The account will be administered according to state accounting practices and Section 22.1-212.5:1, *Code of Virginia*.
- Moneys in the Fund will be distributed on a first-come, first-served basis by priorities for funding within the eligible categories: 1) new charter school; or 2) existing charter school. All criteria being equal, the postmark on the application letter will be the determining factor for funding. If the postmarks are identical, funds will be divided equally among approved applicants. If there are not adequate funds to award the minimum award amount of \$5,000, a waiting list will be maintained for 12 months. If adequate funds become available within the 12-month period of the waiting list, moneys in the fund will be distributed on a first-come, first-served basis by priority.

- The Department will act on the request within 30 business days of receipt. If awarded, funds will be disbursed to eligible applicants within 30 business days of Department approval.
- Moneys received from the Fund may be spent up to one year from the date of award. Award balances not spent by June 30th of the state fiscal year in which the funds were received may be carried over into the next state fiscal year and used for the same program purpose. The Department reserves the right to recover funds not expended within 12 months of receipt of the moneys.
- Charter schools are eligible to apply for additional distributions in subsequent years.

Assurances

An entity seeking moneys from the Fund for the implementation of public charter schools must provide assurances as follows:

- Moneys received by an entity under this program must be used for implementing or supporting public charter schools that stimulate the development of alternative public education programs.
- Moneys received under the Fund must be maintained in a separate account.
- The entity receiving moneys from the Fund must maintain financial records, subject to review by local auditors, that demonstrate that all moneys received through the Fund were used in accordance with the intent of the criteria.

Appendix A

Code of Virginia § [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.

Public Charter School Application Review Process

Virginia Board of Education
April 21, 2010

Meeting the Intent of the Law

- Prior to the 2010 General Assembly session, Section 22.1-212.9 of the *Code of Virginia* provided for the review of charter school applications by the Virginia Board of Education if the charter school applicant chose to submit its application for review.
- To meet the intent of the legislation, the Virginia Board of Education established a Charter School Review Committee in response to HB 380 which was passed by the 2004 General Assembly.
- The objective of the Charter School Review committee was to read and evaluate public charter school applications based on the criteria, consistent with state law, and prepare a consensus report as technical assistance to the charter school applicant.
- The Charter School Review committee did not approve or disapprove an application.

Board of Education's Review Responsibility

- In accordance with the law, the Board of Education reviews the applications based on the criteria described below. The criteria in the law are based on the Virginia School Board's charter school application.
 - Feasibility
 - Mission Statement
 - Goals and Educational Objectives
 - Evidence of Support from Community
 - Statement of Need
 - Curriculum
 - Educational Program
 - Pupil Performance Standards
 - Pupil Evaluation
 - Timeline for Achievement of Standards and Goals
 - Financial Soundness
 - Financial Plan

Charter School Application Review Committee Membership

- Membership of the charter school committee is comprised of:
 - Two Board of Education members appointed by Board president, one of whom serves as committee chair;
 - Individuals from the educational community having background in budget, curriculum, the *No Child Left Behind Act of 2001*, and special education; and
 - Two local representatives representing a school division that has or has had a charter school.

The Committee Meeting

- Upon receipt of a charter school application, the committee chair calls an application review committee meeting.
 - Public notice advertises date, place, and time.
 - Charter school applicant, local school board chair, and local school division superintendent in the division the charter is planned are invited to attend.
- The committee discusses whether the established criteria have been met.
 - If the criteria are not met, the committee records the reasons.
- The committee prepares a consensus report based on the application's conformation to the established criteria.

Following the Committee Meeting

- Consensus Report and Meeting Minutes
 - Minutes are posted on the Department's Web site;
 - Board president sends transmittal letter and consensus report to the charter school applicants;
 - A courtesy copy is sent to Board members; and
 - The report is made available to interested parties when available.
- Board Presentation
 - A summary of the consensus report is presented at the next Board of Education meeting following the review.