

INSTRUCTION

Charter Schools P 6.2-2A. Purpose

In order to (i) encourage the development of innovative programs; (ii) provide opportunities for innovative instruction and student assessment; (iii) provide parents and students more choices; (iv) provide innovative scheduling, structure and management; (v) encourage performance-based educational programs; (vi) establish high standards for teachers and administrators; and (vii) develop models for replication in other public schools, the Lynchburg City School Board shall receive and consider applications for the establishment of charter schools.

B. Definition of Charter School

A charter school is a public, non-sectarian alternative school located within the Lynchburg City Schools. A charter school may not be home-based but may be created as a new school or by converting all or part of an existing public school. Conversions of private schools or home-based programs shall not be permitted.

The total number of charter schools that may be established in the school division shall be in compliance with state law. One-half of the total number of charter schools in the division shall be reserved for schools designed to increase the educational opportunities of at-risk students.

All charter schools shall be subject to federal and state law, regulations, and constitutional provisions prohibiting discrimination in admissions, employment or operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services. Charter schools shall also be subject to any court-ordered desegregation plan in effect in the school division.

C. Application

Any person, group, or organization may submit an application for the formation of a charter school. The applicant must complete the entire application in the format described in Administrative Regulation 6-2.2. The school board shall establish a "review team" consisting of appropriate school personnel, a local business representative, and a resident charter school proponent to evaluate charter school applications. The school board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with applicants for charter schools. When an application is incomplete, the review team shall request the necessary information; an incomplete application is not grounds for denying a charter. However, if the applicant does not provide the necessary information within a reasonable timeframe (established by the review team) then the application may be denied.

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The review team shall (1) recommend to the school board appropriate criteria for reviewing charter school applications; (2) evaluate all charter school applications based on the review criteria adopted by the school board; (3) recommend one of the following options to the school board for each application: approve, reject, place on a waiting list, or return with suggestions for improvement; (4) monitor charter school progress; and (5) make recommendations for revocation, renewal, or non-renewal of charter contracts.

The Lynchburg City School Board shall require a regulation for receiving, reviewing, and ruling on applications for the establishment of charter schools. Such regulation must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. A copy of the regulation, including the review criteria, shall be available to any interested party upon request.

D. School Board Decision

Written notice of the school board's decision shall be sent to the applicant and if the application is denied, the written notice shall include the reasons for the denial. Priority shall be granted to applications designed to increase the educational opportunities of at-risk students. The school board decision whether to grant or deny an application shall be final.

E. Charter Contract

Upon approval of a charter application, the school board and the management committee of the charter school shall enter into a contract which contains all agreements between the school board and the charter school; the approved application shall serve as the basis for the contract. The charter contract shall also include other provisions negotiated by the school board or its designee. A charter may be granted for up to three years. Any material revision of the charter contract shall be made in writing and must be approved by the school board and the charter school.

F. Waivers of School Board Policy and State Regulation

A charter school may operate free from school board policies and state regulations, except the Standards of Quality, and by reference the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The school board shall designate in its regulation governing charter schools which school board policies may not be waived. The school board shall request from the board of education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase

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the opportunities of at-risk students, then the school board shall request that the board of education approve an Individual School Accreditation Plan.

G. Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers, and administrators working in the school, and representatives of any community sponsors, or any combination thereof. A charter school shall be responsible for its own operations. However, a charter school may negotiate and contract with the school board, or any other third party, for the provision of necessary services; services provided by the school board must be provided at cost. (See U. Services in Administrative Regulation 6-2.2).

H. Personnel

Charter school personnel shall be employees of the school board and shall be selected as agreed in the charter contract. Professional, licensed employees currently employed by the school board may volunteer for assignment to a charter school and may be assigned by the school board to a charter school for one contract year and reassigned annually upon the request of the employee and management committee. Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in the charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to school board policy.

The school board has the final authority to assign professional, licensed personnel to charter or other schools within the division.

I. Funding

Charter schools shall be funded as provided by law and negotiated in the charter contract.

J. Revocation and Renewal of the Charter Contract

The school board may revoke a charter contract if:

1. the charter school violates the conditions, standards or procedures established in the application;
2. the charter school violates a material term of the charter contract (for example,

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- failing to provide required reports of the school board);
3. the charter school fails to meet generally accepted standards of fiscal management;
 4. the charter school violates any provision of law; or
 5. the school board determines that it is not in the public interest or for the welfare of the students within the division to continue the operation of the charter school (for example, the charter school is no longer financially sound or fails to achieve state testing standards or decrease absentee rates).

A charter contract may be renewed for up to three years. The management committee must apply to renew the charter within six months of the expiration date of the charter school contract.

The application for renewal shall contain:

1. a report on the progress of the charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the school board required in the charter;
2. a financial statement, on forms prescribed by the board of education, disclosing the costs of administration, instruction, and other spending categories which is written in a way to allow the school board and the public to compare such costs to the costs of other schools and comparable organizations; and
3. other information that the school board may require.

If a charter contract is revoked or not renewed, or a charter school is dissolved, the management committee shall be responsible for all financial obligations of the charter school.

K. Reports

The school board shall report to the board of education the following:

1. if it grants charter applications;
2. the maximum number of charters that may be granted;
3. the number of charters granted and whether any of those granted are designed to increase the educational opportunities of at-risk students;
4. an annual evaluation of each charter school;
5. an annual comparison of the performance of charter school students and students enrolled in regular schools; and
6. the number of students enrolled in each charter school at the end of the school year.

Legal Reference

Code of Va. § 22.1-212.5. Objectives; definitions "A. In order to (i) stimulate the

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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, 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.

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

Code of Va., § 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 participating 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 participating school divisions, as set forth in § [22.1-3](#), through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

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.

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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. 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 participating school divisions.

E. A public charter school shall not charge tuition."

Code of Va., § 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 participating school boards. The contract between the public charter school and the local school board or participating 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 participating 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 participating 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 participating 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 participating school boards and the management committee of the public charter school."

Code of Va., § 22.1-212.8. Charter application. "A. Any person, group, or organization may submit an application for the formation of a public charter school.

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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 participating school divisions in the case of a regional public charter school, or in a geographic area within a school division or participating 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; the assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
6. A description of the lottery process to be used to determine enrollment. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and, if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the participating 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 participating 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 participating 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 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.

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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 nonsectarian 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."

Code of Va., § 22.1-212.9. Review of public charter school applications. "A. Public charter school applications shall only be received and reviewed by a local school board or, in the case of a regional public charter school, by all of the participating school boards, after public notice, a public hearing, and adoption by the local school board or boards of a resolution stating the intent to receive applications for the establishment of such other public charter schools in the relevant school divisions. The public notice shall appear once a week for two successive weeks in a newspaper having a general circulation in the jurisdiction of the relevant school divisions. The second publication shall not be sooner than one calendar week after the first publication.

Each local school board that adopts a resolution announcing its intent to accept applications for public charter schools and publishes such notice of its intent shall establish procedures for receiving, reviewing, and ruling upon applications and shall make a copy of any such 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, and other interested parties and to obtain information to assist local school boards in their decisions to grant a public charter school application, local school boards may establish a procedure for public notice, comment, or hearings on public charter school applications.

C. Prior to receiving applications for any public charter school, a local school board shall provide public notice of its intent to accept or not to accept applications for public charter schools and may, upon providing such public notice, alter its decision to accept or not to accept such applications.

(1998, cc. 748, 890; 2000, cc. 631, 1028; 2001, cc. 438, 469.)"

Code of Va., § 22.1-212.10. Decision of local board final. "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."

Code of Va., § 22.1-212.11. Public charter school restrictions. "A. On and after July 1, 1998, local school boards electing to receive applications for public charter schools pursuant to § [22.1-212.9](#) may establish public charter schools within the school division

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and shall be authorized to limit the number of schools so established; however, the total number of public charter schools, including those designed to increase educational opportunities for at-risk pupils but not including any regional public charter schools, shall not exceed ten percent of the school division's total number of schools or two public charter schools, whichever is greater. 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 for at-risk students.

B. Local school boards that grant public charter school applications shall report such action to the Board and shall specify the maximum number of charters that may be authorized, if any; the number of charters granted; 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."

Code of Va., § 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 three 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 participating 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."

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Code of Va., § 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 § [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."

Code of Va., § 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; however, public charter schools shall not be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality if the enrollment at the public charter school is less than 100 students and constitutes less than five percent of the total enrollment of the relevant grades in that school division.

B. Insofar as constitutionally valid, a local school board or, in the case of a regional public charter school, the participating 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 participating school boards 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.

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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 participating school boards and the regional public charter school.

H. The Department of Education shall provide technical assistance to local school boards electing to receive, review, and act upon applications for public charter schools."

Code of Va., § 22.1-212.15. Evaluation of public charter schools; reports. "School boards establishing public charter schools shall submit annual evaluations of such schools to the Board of Education. The Board shall review the evaluations against any Board regulations and policies waived for the public charter schools to determine the efficacy of such waivers and whether the public charter schools accomplished established goals and objectives. Such school boards shall also submit annually to the Board a comparison of the performance of public charter school students and students enrolled in the regular schools of such relevant school division and a report of the number of students enrolled in such public charter schools at the end of the school year. The Board shall report annually its findings and evaluations of any public charter schools established in the Commonwealth to the Governor and the General Assembly, beginning in January 1999."

Adopted by School Board: October 3, 2000