

## CHARTER SCHOOLS

### 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 the use of performance-based educational programs; (vi) establish high standards for teachers and administrators; and (vii) develop models for replication in other public schools, the **Essex County** School Board shall receive and consider applications for the establishment of charter schools.

### Definition of Charter School

A charter school is a public, nonreligious, or non-home-based alternative school located within the **Essex County** school division or operated jointly by multiple school divisions. A charter school 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. A charter school for at-risk pupils may be established as a residential school.

In establishing public charter schools within the division, the School Board will give priority to public charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation.

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. Charter schools, like all public schools, shall also be subject to the requirements of the federal No Child Left Behind Act of 2001.

### Application Process

Any person, group or organization may submit an application for the formation of a charter school to the **Essex County** School Board. Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. The Board of Education will examine such applications for feasibility, curriculum, financial soundness, and other objective criteria it may establish, consistent with existing state law. The Board of Education's review and comment will be

for the purpose of ensuring that the application conforms with such criteria. The school division may work with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

The applicant must complete the entire application in the format provided in Exhibit LC-E. 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.<sup>1</sup> 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)<sup>2</sup> then the application may be denied.

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 Essex County School Board shall establish 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.<sup>3</sup> To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist the school board in its decision to grant or deny a public charter school application, the regulation will provide for public notice and the receipt of comment on public charter school applications. The school board shall give at least 14 days' notice of its intent to receive public comment on an application. A copy of the regulation, including the review criteria, shall be posted on the division's website and a copy shall be made available to any interested party upon request.

#### School Board Decision

If the 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

---

<sup>1</sup>

or not renewed, shall be entitled to petition the 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.

The 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 school board for such decision. 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.

Upon reconsideration, the decision of the 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.

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.

#### 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.<sup>4</sup> The charter contract shall also include other provisions negotiated by the School Board or its designee. A charter may be granted for up to five 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.

#### 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, 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 the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

---

## 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 Section XXIV in the Application).

The applicant and members of the management committee, administrators, and other personnel serving in a public charter school must disclose any ownership or financial interest they may have in renovating, lending, granting, or leasing public charter school facilities.

## Personnel

Charter school personnel shall be selected as agreed in the charter contract. Such personnel may, but are not required, to be employees of the School Board. However, all charter school personnel shall be subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

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.<sup>5</sup>

The School Board may employ health, mental health, social services and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement. However, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or other schools within the division.<sup>6</sup>

---

## Funding

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

## Revocation and Renewal of the Charter Contract<sup>7</sup>

The School Board may revoke a charter contract if:

- the charter school violates the conditions, standards or procedures established in the application;
- the charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);<sup>8</sup>
- the charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;
- the charter school fails to meet generally accepted standards of fiscal management; or
- the charter school violates any provision of law from which the public charter school was not specifically exempted.

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by **May 1st** of the school year the charter expires.<sup>9</sup>

The application for renewal shall contain:

- 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;
- 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
- other information 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.<sup>10</sup>

---

## Reports

The School Board shall report to the Board of Education the following:

- the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract. For any such denial or revocation, the report to the Board of Education shall contain documentation as to the reason for the denial or revocation;
- whether a public charter school is designed to increase the educational opportunities of at-risk students or any students served by schools that have not achieved full accreditation; and
- an annual evaluation of each charter school.

The Board of Education will report the number of public charter schools established in Virginia, and the number of charters denied, in its annual report to the Governor and the General Assembly.

Adopted: July 19, 2012

---

---

Legal Refs: 20 U.S.C. § 6311(b)(1)(B).

Code of Virginia, 1950, as amended, § 22.1-212.5 et seq.