

INSTRUCTION

CHARTER SCHOOLS

REGULATION

§5-65 Charter Schools

The Loudoun County School Board believes that public school programs should be designed to fit the needs of individual pupils and those parents and educators have a right and responsibility to participate in the schools which serve them. The State of Virginia has authorized charter schools as one avenue for parents, teachers, and community members to provide for education of children within the public school system.

A. Purpose of Charter Schools

Charter schools may be established in Virginia 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.

The Loudoun County School Board is authorized to 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 in the division shall be for at-risk students. "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.

B. Definition of Charter School

A charter school is a public, non-religious, or non-home-based alternative school located within the Loudoun County School Division or operated jointly by multiple school divisions. A charter school may be created as a new public school or through the conversion of all or part of an existing public school. Conversions of private schools or home-based programs shall not be permitted.

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C. Establishment and Operation

All charter schools shall be subject to federal and Virginia state laws, regulations, and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services. Charter schools must comply with the Standards of Quality, including the Standards of Learning and Standards of Accreditation.

Enrollment shall be open to any child who is deemed to reside within the Loudoun County School Division, 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 child's position on the list. A public charter school shall not charge tuition.

A charter school shall be administered and operated by a management committee in the manner agreed to by the charter school applicant and the Loudoun County School Board, as reflected 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.

Pursuant to an approved charter agreement, a charter school shall be responsible for its own operations, including, but not limited to, budget preparation, contracts for services, and personnel matters. A charter school may negotiate and contract with the School Board, or any third party, for the provision of necessary services, the use of school buildings or grounds and the operation and maintenance thereof and any activity or undertaking it is required to perform in order to carry out its educational program. Any services for which a charter school contracts with the Loudoun County School Division shall not exceed the division's costs to provide such services.

The Loudoun County School Division may allow, in its sole discretion, a public charter school to use vacant or unused properties or real estate, if any, owned by the School Board. A charter school shall not be required to pay rent for space deemed by the School Division to be available, as negotiated by contract, within the Loudoun County School Division. All other costs for the operation and management of the facilities used by the charter school shall be subject to negotiation between the charter school and the School Division.

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D. Employment of Professional, Licensed Personnel

At the sole discretion of the Loudoun County School Board, charter school personnel may be employees of the Loudoun County School Board and, if so, they will be assigned by mutual agreement between the charter school and the Loudoun County School Division. If charter school personnel are not employees of the school division, they shall still remain subject to Code of Virginia Sections 22.1-296.1, 22.1-296.2 and 22.-296.4.

In the event the Loudoun County School Board chooses to require that charter school personnel be employees of the Loudoun County School Board, then:

1. Professional, licensed employees currently employed by the School Board may request assignment to a charter school and may be assigned by the Division Superintendent to a charter school for one contract year and reassigned annually upon the request of the employee and the charter school's management committee.
2. Such professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to non-charter schools.
3. Professional, licensed personnel who are not recommended for reassignment in the charter school, other than for reasons cited in §22.1-307 of the Code of Virginia, may request transfer to a non-charter school. All personnel requests shall be handled according to Loudoun County School Board policy.

E. Funding

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

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F. Charter Contract

An approved charter application shall constitute an agreement, and its terms shall be the terms of the agreement between the charter school and the Loudoun County School Board. Upon approval of a charter application, the Loudoun County School Board and the management committee of the charter school shall enter into a contract containing all of the negotiated agreements between the School Board and the charter school along with the approved waivers from agreed-upon School Board policies and all requests for release from State regulations. The charter contract shall also include other provisions negotiated by the Loudoun County School Board or its designee. A charter may be granted for up to five school years. Any material revision of the charter contract shall be made in writing and must be approved by the Loudoun County School Board and the charter school management committee. The charter school contract shall include language that the applicant specifically agrees to hold harmless and indemnify the Loudoun County School Board, its officials, employees, agents and representative, for all liabilities, debts, obligations, and other matters arising out of the operation of the charter school. In addition, the charter school contract shall address procedures for dissolution of the charter school, ensuring that the applicant's agreement to hold harmless and indemnify the Loudoun County School Board shall survive dissolution of the charter school, whether due to revocation, non-renewal, or other action.

G. Waivers of School Board Policy and State Regulation

Pursuant to a charter agreement and with prior waiver approval, a charter school may operate free from specific Loudoun County School Board policies and state regulations, except the Standards of Quality and, by reference, the Standards of Accreditation and Standards of Learning. The contract between the charter school and the Loudoun County School Board shall reflect all agreements for release from school division policies and all requests for release from state regulations, except as provided above. 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 for at-risk students, then the School Board shall request that the State Board of Education approve an Individual School Accreditation Plan, as provided by state law and Virginia Department of Education Regulation 8 VAC 20-131-280.

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H. Application Content

Any person, group, or organization, including an institution of higher education, may submit an application for the formation of a charter school. The charter school application or renewal application shall be a proposed agreement and, by law, shall include the following:

1. The mission statement of the 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 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 charter school;
4. A statement of the need for a charter school in a School Division or in a geographic area within a School Division;
5. A description of the 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; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the charter school falls below such standards;

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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 charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools;
7. Evidence that the plan for the charter school is economically sound for both the charter school and the School Division; 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 charter school, including any services provided by the School Division, 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 charter school and for the placement of charter school pupils, teachers, and employees upon termination or revocation of the charter;
9. A description of the management and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the management and operation of the charter school;
10. An explanation of the relationship that will exist between the proposed 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 charter school plans to meet the transportation needs of its pupils;

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13. Assurances that the charter school (i) is non-religious in its program, admission policies, employment practices, and all other operations;(ii) does not charge tuition; (iii) 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; (iv) 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*; (v) the applicant has knowledge of and will comply with the *Virginia Conflict of Interest Act*; and the *Virginia Public Procurement Act*, if required to do so by the charter school contract with the School Board; and (vi) 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*.
14. 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 public charter school. There shall be a continuing duty to disclose such interests during the term of any charter.
15. Prior to the submission of the application to the School Board, the application must have been submitted to the Virginia Board of Education for its review, comment and a determination as to whether the application meets the approval criteria developed by the State Board.

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I. Initial Review of an Application – Phase I (2 Months)

1. Applications must be received in final format and presented by the applicant at a public School Board meeting. The date of the presentation to the School Board will begin the period of approximately (6) months for review and public input prior to the School Board making a determination on the application.
2. The Deputy Superintendent will be available to respond to questions from the applicant in preparation of the application.
3. An original, completed application plus six (6) copies must be submitted to the office of the Deputy Superintendent upon formal presentation to the School Board.
4. School Board approval is generally required one (1) year prior to the desired opening date.
5. Application deadlines may be extended only by mutual agreement. An application fee of \$1,000.00 must be submitted with the completed application to help defray costs associated with application review.
6. The Deputy Superintendent shall undertake a preliminary review of the application to determine whether it is complete in all respects. If the charter school application is incomplete, the applicant shall be notified and requested to supply the necessary information. If the applicant fails to supply such information after being requested to do so, the application shall be placed in an inactive file and no further review or other consideration shall be required until such time as the application is considered complete.

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7. The Deputy Superintendent will then organize the staff review which may include meeting with and/or interviewing the applicant, clarifying, reviewing and communicating with the applicant concerning terms of the proposed agreement followed by a staff report to the School Board.
8. Two (2) months from the date of the Charter School's presentation to the School Board are allotted for the staff's submission of its preliminary report.

J. Charter School Select Committee – Phase II (2 Months)

The Chairman of the School Board will appoint a select committee of not less than three (3) School Board members, one of whom will be appointed to be the chairman, to receive public comment concerning the application and, if the application is approved, to serve as a School Board point of contact for the Charter School for the administration of the charter contract. The Charter School may be asked to make presentations before the committee or provide additional information or clarification.

K. School Board Review and Decision – Phase III (2 Months)

To provide appropriate opportunity for input and to obtain information to further assist the School Board in its decision to grant or deny a public charter school application, the School Board will give at least 14 days' notice of its intent to receive public comment on a specific application prior to taking action. This formal public comment may occur at one or more Board work sessions and/or meetings during Phase III.

1. The Loudoun County School Board may take any of the following actions with each application following public comment:
 - a. accept without conditions;
 - b. accept with conditions;
 - c. reject;
 - d. place on a waiting list;
 - e. negotiate further with the applicant;
 - f. defer action; or
 - g. return with request for additional information.

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2. If an application is rejected, the Loudoun County School Board shall communicate its decision and reasons for denial to the applicant and submit documentation to the State Board of Education as to the rationale for the denial. The reasons for the denial will also be posted on the Division webpage.
3. A charter may be approved for up to five school years.

L. Request for Reconsideration

The School Board's decision to grant or deny an application or to revoke or decline to renew a charter agreement shall be final except that the applicant or grantee may file a petition for reconsideration with the School Board within 60 calendar days from the date of the denial, revocation or non-renewal. The School Board shall issue a decision within 60 days of the filing of the petition. Prior to making its decision on a petition for reconsideration, the School Board will include an opportunity for public comment and the applicant may submit an amended application based on the reasons given for the School Board's decision.

The decision on the reconsideration petition shall be final and not subject to appeal. If the decision is to deny, revoke or not renew an application, then written documentation as to the rationale will be submitted to the State Board of Education.

M. Renewal Application Contents

An application for renewal shall contain the following:

1. A written request for renewal submitted during the last school year of the charter term but no later than 180 days prior to expiration of the charter.
2. 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 may require upon granting initial approval of the charter application.

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3. 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.
4. Any additional information the Board may require to assist in its determination of the renewal application. Nothing in these procedures shall be construed to restrict the authority of the School Board to decline to renew a charter agreement.

Any revision of the terms of the charter contract may be made only with the approval of the Loudoun County School Board and the charter school's management committee.

N. Revocation

The Loudoun County School Board may revoke a charter contract for any of the following reasons:

- violation of the conditions, standards or procedures established in the application and/or contract;
- failure to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the application;
- failure to meet generally accepted standards of fiscal management; or,
- violation of any provision of law from which the charter school was not specifically exempted.

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The charter school contract shall reflect procedures for dissolution of the charter school, including liability for financial and other matters including the preservation and future retrieval of student records. Such procedures will survive dissolution or revocation or declination to renew a charter school contract. Under no circumstances will the Loudoun County School Board assume responsibility for any contractual or other liabilities of the charter school except as agreed to by contract.

O. Reports

The Loudoun County School Board shall report annually to the Board of Education the following:

- the number of charters granted and whether any of those granted are designed to increase the educational opportunities of at-risk students;
- an annual evaluation of each charter school;
- an annual comparison of the performance of charter school students and students enrolled in regular schools; and
- the number of students enrolled in each charter school at the end of the school year.

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