

## CHARTER SCHOOL POLICY

### **Purpose**

In order to (1) encourage the development of innovative programs; (2) provide opportunities for innovative instruction and student assessment; (3) provide parents and students more choices; (4) provide innovative scheduling, structure, and management; (5) encourage performance-based educational programs; (6) establish high standards for teachers and administrators; and (7) develop models for replication in other public schools, the Alexandria City School Board shall receive and consider applications for the establishment of charter schools.

### **Definition of Charter School**

A charter school is a public, non-sectarian alternative school located within the Alexandria City 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 are not 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 gives priority to public charter school applications designed to increase the educational opportunities of at-risk students. At least one half of the public charter schools in the division must be designed for at-risk students. However, conversions of existing public schools into public charter schools that serve the same community as the existing public school do not count in the determination of school division compliance with the one-half requirement.

Enrollment in a charter school is open to any child who resides within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, 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 are given the opportunity to enroll in advance of the lottery process.

All charter schools shall be subject to local policy and federal and state law, regulations, and constitutional provisions prohibiting discrimination in admissions, employment, or operation on the basis of disability, race, creed, color, gender, gender identity, gender expression, sex, sexual orientation, national origin, pregnancy, marital status, status as a parent, religion, ancestry, political affiliation, 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, are also subject to all federal education requirements.

### **Application**

Any person, group, or organization may submit an application for the formation of a charter school. Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Virginia Board of Education (VBOE) for review and comment and a determination as to whether the application

meets the approval criteria developed by the VBOE. The VBOE examines all applications, other than those initiated by the School Board, for feasibility, curriculum, financial soundness, and other objective criteria it may establish, consistent with existing state law. The VBOE's review and comment is 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 VBOE for review and recommendation.

All charter school applicants, other than those initiated by the School Board, must also complete the application addendum in the format provided in Exhibit LC-E. The School Board shall establish a Review Committee consisting of appropriate school personnel, a local business representative, and a resident charter school proponent to evaluate charter school pre-applications and applications. The School Board shall designate the chair of the review committee who shall act as the contact person for answering questions about the application process and receiving applications. The review committee shall work cooperatively with applicants for charter schools. When an application is incomplete, the review committee 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 time frame (established by the Review Committee) then the application may be denied.

The Review Committee 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 Superintendent shall establish a regulation for receiving, reviewing, and ruling on applications for the establishment of charter schools. 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, such regulation must include a time line 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. The School Board shall approve any such regulation and any modifications thereto. 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 available to any interested party upon request.

### **School Board Decision**

Written notice of the School Board's decision shall be sent to the applicant. 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 or not renewed, is 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 is final and not subject to appeal.

Nothing in this policy prohibits 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. 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 management committee of the charter school.

### **Waivers of School Board and State Regulation**

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, 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.

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 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. Charter school personnel will be subject to the same evaluation processes and licensure requirements as such personnel assigned to non-charter schools.

Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to non-charter schools. Professional, licensed personnel who request assignment to a non-charter school or who are not recommended for reassignment in the charter school, other than for reasons cited in Sections 22.1-307 of the Code of Virginia, shall be transferred to a non-charter school according to School Board policy.

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.

All charter school personnel shall be subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

## **Funding**

Ultimate funding allocations for any public charter school are at the discretion of the School Board, as stipulated and agreed upon within the charter contract. Charter schools shall be funded and negotiated in the charter contract as provided by [Virginia Code § 22.1-212.14](#), which stipulates, “the per pupil funding provided to the charter school by the local school board ... 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...unless the cost of operating the charter school is less than that average school-based cost.”

## **Renewal Procedures**

An existing charter school seeking renewal must provide the following information to the Board:

- A written request for renewal submitted during the last academic year of the charter term but no later than 180 calendar days prior to expiration of the charter;
- A report on the progress of the school in achieving the goals, objectives, student performance standards, content standards, and other terms of the charter contract;
- A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations; and
- Any additional information the Board may request to assist in its determination of the renewal application.

## **Revocation and Renewal of the Charter Contract**

A charter may be revoked or not renewed without appeal if the Board determines that it is no longer in the interest of the students residing within the City of Alexandria School Division to continue the operation of the charter school.

In addition, a charter may be revoked or not renewed without appeal if the Board determines the school did any of the following:

- Committed a violation of any of the conditions, standards, or procedures set forth in the charter contract;
- The charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);
- Failed to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;
- Failed to meet generally accepted standards of fiscal management; or

- Violated any provision of law from which the charter school was not specifically exempted.

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.

**Reports**

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

- if it grants charter applications;
- whether any of those granted are designed to increase the educational opportunities of at-risk students;

Adopted: April 18, 2002  
Amended: December 17, 2015

Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-212.14, [22.1-212.5](#) *et seq.*