

Section 10-18.6. Charter School Personnel; Funding; Revocation and Renewal of Charter Contract; Reports to Board of Education; Reports by the Board of Education. — A. ~~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~~ At the discretion of the School Board, charter personnel may be employees of the School Board. 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 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 § 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.

B. ~~Charter schools shall be funded as provided by law and negotiated in the charter contract.~~ The School Board may establish by contract 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. In accordance with subsection D.2, the per pupil funding provided to the charter school by the 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.

C. 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, failing to provide required reports to the School Board);
3. 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;
4. the charter school fails to meet generally accepted standards of fiscal management; or
5. the charter school violates any provision of law from which the public charter school was not specifically exempted.

D. A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by June 30th of the school year the charter expires. 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 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.

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

1. the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract. For any such denial revocation or failure to renew the report to the Board of Education shall contain documentation as to the reason for the denial or revocation;
2. whether a public charter school is designed to increase the educational opportunities of at-risk students.

F. 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 June 13, 2013; Ordinance Number 12/13-145; Effective Date: July 1, 2013; Revised: October 13, 2016; Ordinance Number 16/17-24; Effective Date: July 1, 2017)

Legal Authority – Virginia Code §§ 22.1-3, 22.1-212.5 et seq.; 20 U.S.C. § 6311.