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HOUSE BILL NO. 346

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on March 3, 2022)

(Patron Prior to Substitute—Delegate Davis)

A *BILL to amend and reenact §§ 22.1-349.1, 22.1-349.5, 22.1-349.6, 22.1-349.10, and 22.1-349.11 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-349.6:1, relating to college partnership laboratory schools; application and establishment.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-349.1, 22.1-349.5, 22.1-349.6, 22.1-349.10, and 22.1-349.11 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-349.6:1 as follows:

§ 22.1-349.1. Definitions; objectives.

A. As used in this chapter, unless the context requires a different meaning:

"At-risk student" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board criteria, that research indicates may negatively influence educational success.

"College partnership laboratory school" means a public, nonsectarian, nonreligious school in the Commonwealth established as a new school or through the conversion of all or part of an existing school by a public institution of higher education or private institution of higher education that operates a teacher education program approved by the Board as an eligible institution as defined in § 23.1-628.

"Governing board" means the board of a college partnership laboratory school that is responsible for creating, managing, and operating the college partnership laboratory school and whose members have been selected by the institution of higher education that establishes the college partnership laboratory school. The governing board shall be under the control of the institution of higher education that establishes the college partnership laboratory school.

"Underserved community" means a geographical area that is served by public schools in which a high percentage of students are eligible to receive free or reduced-price lunch, as determined by the Board.

B. College partnership laboratory schools may be established as provided in this chapter to (i) stimulate the development of innovative programs for preschool through grade 12 students; (ii) provide opportunities for innovative instruction and assessment; (iii) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure; (iv) encourage the use of performance-based educational programs; (v) establish high standards for both teachers and administrators; (vi) encourage greater collaboration between education providers from preschool to the postsecondary level; and (vii) develop models for replication in other public schools.

C. College partnership laboratory schools may enter into a memorandum of understanding with any individual or entity to provide apprenticeships, career training, faculty training and support, and equipment, resource, and curriculum support to carry out the provisions of this chapter. Such individual or entity shall have no management or governing authority over the college partnership laboratory school.

D. College partnership laboratory schools may enter into agreements to establish specialty schools in academic disciplines such as science, technology, engineering, mathematics, and computer science (STEM+C), language arts, or the performing arts. Such agreements may be used to create a new college partnership laboratory school or support an existing college partnership laboratory school.

§ 22.1-349.5. College partnership laboratory school application.

A. Any public institution of higher education or private institution of higher education that has a teacher education program approved by the Board may submit an application for formation of a college partnership laboratory school.

B. Each college partnership laboratory school application shall provide or describe thoroughly all of the following essential elements of the proposed school plan:

1. An executive summary;
2. The mission and vision of the proposed college partnership laboratory school, including identification of the targeted student population;
3. The proposed location of the school;
4. The grades to be served each year for the full term of the contract;
5. Minimum, planned, and maximum enrollment per grade per year for the term of the contract;
6. Background information on the proposed founding governing board members and, if identified, the

60 proposed school leadership and management team;
61 7. The school's proposed calendar and sample daily schedule;
62 8. A description of the academic program aligned with state standards;
63 9. A description of the school's educational program, including the type of learning environment,
64 such as classroom-based or independent study; class size and structure; curriculum overview; and
65 teaching methods;
66 10. The school's plan for using internal and external assessments to measure and report student
67 progress in accordance with the Standards of Learning;
68 11. The school's plans for identifying and successfully serving students with disabilities, students who
69 are English language learners, students who are academically behind, and gifted students, including
70 compliance with applicable laws and regulations;
71 12. A description of co-curricular and extracurricular programs and how they will be funded and
72 delivered;
73 13. Plans and timelines for student recruitment and enrollment, including lottery procedures if
74 sufficient space is unavailable;
75 14. The school's student disciplinary policies, including disciplinary policies for special education
76 students;
77 15. An organization chart that clearly presents the school's organizational structure, including lines of
78 authority and reporting between the governing board, staff, any related bodies such as advisory bodies or
79 parent and teacher councils, the Board, and any external organizations that will play a role in managing
80 the school;
81 16. A clear description of the roles and responsibilities for the governing board, the school's
82 leadership and management team, and any other entities shown in the organization chart;
83 17. A staffing chart for the school's first year and a full staffing plan for the term of the contract;
84 18. Plans for recruiting and developing school leadership and staff;
85 19. The school's leadership and teacher employment policies, including performance evaluation plans;
86 20. A plan for the placement of college partnership laboratory school students, teachers, and
87 employees upon termination or revocation of the contract;
88 21. Explanation of any partnerships or contractual relationships central to the school's operations or
89 mission;
90 22. The school's plans for providing transportation, food service, and all other significant operational
91 or ancillary services;
92 23. Opportunities and expectations for parent involvement;
93 24. A detailed school start-up plan that identifies tasks, timelines, and responsible individuals;
94 25. A description of the school's financial plan and policies, including financial controls and audit
95 requirements;
96 26. A description of the insurance coverage that the school will obtain;
97 27. Start-up and five-year budgets with clearly stated assumptions;
98 28. Start-up and ~~first-year~~ five-year cash-flow projections with clearly stated assumptions;
99 29. Evidence of anticipated fundraising contributions, if claimed in the application;
100 30. A sound facilities plan, including backup or contingency plans if appropriate; and
101 31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs,
102 admission policies, employment practices, and all other operations and (ii) does not charge tuition,
103 except as described in subsection E of § 22.1-349.3;
104 32. *A description of how the applicant will cooperate with one or more local school boards in the*
105 *creation and operation of the college partnership laboratory school, including that a local school board*
106 *may elect to name a member of its board to the governing board of the college partnership laboratory*
107 *school; and*
108 33. *Assurances that the college partnership laboratory school will work with the State Council of*
109 *Higher Education for Virginia to develop programs that may award college credits upon obtaining the*
110 *appropriate certification and accreditation.*
111 C. The purposes of the college partnership laboratory school application are to present the proposed
112 school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the
113 proposed vision and plans, and provide the Board with a clear basis for assessing the applicant's plans
114 and capacities. An approved college partnership laboratory school application shall not serve as the
115 school's contract. Within 90 days of approval of a college partnership laboratory school application, the
116 Board and the governing board of the approved school shall execute a contract that clearly sets forth the
117 academic and operational performance expectations and measures by which the college partnership
118 laboratory school will be judged and the administrative relationship between the Board and the college
119 partnership laboratory school, including each party's rights and duties. The performance expectations and
120 measures set forth in the contract shall include applicable federal and state accountability requirements.
121 The performance provisions may be refined or amended by mutual agreement after the college

partnership laboratory school is operating and has collected baseline achievement data for its enrolled students.

§ 22.1-349.6. Review of college partnership laboratory school applications.

A. The Board 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 the Board finds that the application is incomplete, the Board shall request the necessary additional information from the applicant. The Board's review procedures shall establish a review committee that may include experts with the operation of similar schools located in other states.

B. To provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board in its evaluation of a college partnership laboratory school application, the Board may establish a procedure for public notice, comment, or hearings on such applications.

C. In reviewing and ruling upon applications pursuant to subsection A, the Board shall give substantial preference to any application from a historically black college or university, any application to establish a college partnership laboratory school in an underserved community, and any joint application submitted by an institution of higher education in partnership with one or more local school boards.

D. In reviewing and ruling upon applications pursuant to subsection A, the Board shall consider the following criteria: (i) academic performance of local school divisions in which the proposed college partnership laboratory school is located, including standardized test scores, high school graduation rates, and college entrance metrics; (ii) sustainability of the proposed application beyond the required five-year contract window; and (iii) the economic development needs of the region as defined by GOVirginia.

§ 22.1-349.6:1. College partnership laboratory school contracts.

When executing a contract with an approved college partnership laboratory school, the Board shall require:

- 1. The contract to be for a term of no less than five years;*
- 2. The contract to include a provision that requires 100 percent of the funding for the first year, 80 percent of the funding for the second year, and 60 percent of the funding for the third year to be escrowed in the College Partnership Laboratory School Fund pursuant to § 22.1-349.2; and*
- 3. Documented proof of control for a lease of the facilities for the duration of the contract.*

§ 22.1-349.10. Funding of college partnership laboratory schools.

A. Each college partnership laboratory school shall receive such funds as may be appropriated by the General Assembly in accordance with the general appropriation act.

B. The governing board of a college partnership laboratory school may accept gifts, donations, or grants of any kind and spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the governing board of a college partnership laboratory school if the conditions for such funds are contrary to law or the terms of the agreement between the Board and the college partnership laboratory school.

C. 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 college partnership laboratory schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to college partnership laboratory schools serving students eligible for such aid.

D. College partnership laboratory schools are eligible to apply for and receive any federal or state funds otherwise allocated for college partnership laboratory schools.

E. The collection of any tuition, room and board, and other educational and related fees from students enrolled at a college partnership laboratory school shall comply with Board regulations and shall be credited to the account of such school.

F. Each college partnership laboratory school is eligible to apply for and receive available funds from the College Partnership Laboratory School Fund and the institution of higher education that establishes the school.

G. For the purposes of calculating average daily membership pursuant to § 22.1-253.13:2 and distribution of local, state, and federal funding, a student enrolled at a college partnership laboratory school shall be considered a student of the local school division in which the college partnership laboratory school is located.

§ 22.1-349.11. Immunity.

A. In the case of a college partnership laboratory school established by a public institution of higher education, the college partnership laboratory school is immune from liability to the same extent as is the public institution of higher education that establishes the school, and the employees and volunteers in a college partnership laboratory school are immune from liability to the same extent as are the employees

183 of the *public* institution of higher education that establishes the school.

184 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
185 **the purposes of this act is included in a general appropriation act passed in 2022 by the General**
186 **Assembly that becomes law.**