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HOUSE BILL NO. 346

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 22.1-349.1, 22.1-349.5, 22.1-349.6, 22.1-349.9, 22.1-349.10, and 22.1-349.11, of the Code of Virginia, relating to college partnership laboratory schools; application and establishment.*

Patron—Davis

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-349.1, 22.1-349.5, 22.1-349.6, 22.1-349.9, 22.1-349.10, and 22.1-349.11 of the Code of Virginia are amended and reenacted 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, or private business.

"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 or business that establishes the college partnership laboratory school. The governing board shall be under the control of the institution of higher education or business 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.

§ 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, or private business 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 proposed school leadership and management team;
7. The school's proposed calendar and sample daily schedule;
8. A description of the academic program aligned with state standards;
9. A description of the school's educational program, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods;
10. The school's plan for using internal and external assessments to measure and report student

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59 progress in accordance with the Standards of Learning;

60 11. The school's plans for identifying and successfully serving students with disabilities, students who
61 are English language learners, students who are academically behind, and gifted students, including
62 compliance with applicable laws and regulations;

63 12. A description of co-curricular and extracurricular programs and how they will be funded and
64 delivered;

65 13. Plans and timelines for student recruitment and enrollment, including lottery procedures if
66 sufficient space is unavailable;

67 14. The school's student disciplinary policies, including disciplinary policies for special education
68 students;

69 15. An organization chart that clearly presents the school's organizational structure, including lines of
70 authority and reporting between the governing board, staff, any related bodies such as advisory bodies or
71 parent and teacher councils, the Board, and any external organizations that will play a role in managing
72 the school;

73 16. A clear description of the roles and responsibilities for the governing board, the school's
74 leadership and management team, and any other entities shown in the organization chart;

75 17. A staffing chart for the school's first year and a staffing plan for the term of the contract;

76 18. Plans for recruiting and developing school leadership and staff;

77 19. The school's leadership and teacher employment policies, including performance evaluation plans;

78 20. A plan for the placement of college partnership laboratory school students, teachers, and
79 employees upon termination or revocation of the contract;

80 21. Explanation of any partnerships or contractual relationships central to the school's operations or
81 mission;

82 22. The school's plans for providing transportation, food service, and all other significant operational
83 or ancillary services;

84 23. Opportunities and expectations for parent involvement;

85 24. A detailed school start-up plan that identifies tasks, timelines, and responsible individuals;

86 25. A description of the school's financial plan and policies, including financial controls and audit
87 requirements;

88 26. A description of the insurance coverage that the school will obtain;

89 27. Start-up and five-year budgets with clearly stated assumptions;

90 28. Start-up and first-year cash-flow projections with clearly stated assumptions;

91 29. Evidence of anticipated fundraising contributions, if claimed in the application;

92 30. A sound facilities plan, including backup or contingency plans if appropriate; and

93 31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs,
94 admission policies, employment practices, and all other operations and (ii) does not charge tuition,
95 except as described in subsection E of § 22.1-349.3.

96 C. The purposes of the college partnership laboratory school application are to present the proposed
97 school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the
98 proposed vision and plans, and provide the Board with a clear basis for assessing the applicant's plans
99 and capacities. An approved college partnership laboratory school application shall not serve as the
100 school's contract. Within 90 days of approval of a college partnership laboratory school application, the
101 Board and the governing board of the approved school shall execute a contract that clearly sets forth the
102 academic and operational performance expectations and measures by which the college partnership
103 laboratory school will be judged and the administrative relationship between the Board and the college
104 partnership laboratory school, including each party's rights and duties. The performance expectations and
105 measures set forth in the contract shall include applicable federal and state accountability requirements.
106 The performance provisions may be refined or amended by mutual agreement after the college
107 partnership laboratory school is operating and has collected baseline achievement data for its enrolled
108 students.

109 **§ 22.1-349.6. Review of college partnership laboratory school applications.**

110 A. The Board shall establish procedures for receiving, reviewing, and ruling upon applications and
111 shall make a copy of any such procedures available to all interested parties upon request. If the Board
112 finds that the application is incomplete, the Board shall request the necessary additional information
113 from the applicant. The Board's review procedures shall establish a review committee that may include
114 experts with the operation of similar schools located in other states.

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

119 C. *In reviewing and ruling upon applications pursuant to subsection A, the Board shall give*
120 *substantial preference to any application from a historically black college or university and any*

121 *application to establish a college partnership laboratory school in an underserved community.*

122 **§ 22.1-349.9. Employment of professional, licensed personnel.**

123 A. College partnership laboratory school personnel are employees of the institution of higher
124 education *or business* that establishes the school.

125 B. Teachers who work in a college partnership laboratory school shall hold a license issued by the
126 Board or, in the case of an instructor in the Board-approved teacher education program of the institution
127 of higher education, be eligible to hold a Virginia teaching license. Teachers working in a college
128 partnership laboratory school are subject to the requirements of §§ 22.1-296.1, 22.1-296.2, and
129 22.1-296.4 applicable to teachers employed by a local school board.

130 C. Professional, licensed personnel of a college partnership laboratory school shall be granted the
131 same employment benefits given to professional, licensed personnel in public schools in accordance with
132 the agreement between the college partnership laboratory school and the Board.

133 **§ 22.1-349.10. Funding of college partnership laboratory schools.**

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

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

141 C. Notwithstanding any other provision of law, the proportionate share of state and federal resources
142 allocated for students with disabilities and school personnel assigned to special education programs shall
143 be directed to college partnership laboratory schools enrolling such students. The proportionate share of
144 moneys allocated under other federal or state categorical aid programs shall be directed to college
145 partnership laboratory schools serving students eligible for such aid.

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

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

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

154 **§ 22.1-349.11. Immunity.**

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