

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 18, SECTION 10-18.3, ENTITLED “STATEMENT OF PURPOSE; CHARTER SCHOOL DEFINED; SUBJECT TO FEDERAL AND STATE LAW PROHIBITING DISCRIMINATION; OTHER REQUIREMENTS; OPEN ENROLLMENT REQUIRED; CHARTER SCHOOL APPLICATIONS; REVIEW TEAM; REGULATIONS TO BE ESTABLISHED” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD – FIRST READING**

**BE IT ORDAINED**, by the School Board of the City of Suffolk, Virginia that Chapter 10, Article 18, Section 10-18.3, entitled “Statement of Purpose; Charter School Defined; subject to federal and state law prohibiting discrimination; other requirements; open enrollment required; Charter School Applications; review team; regulations to be established” of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

**Section 10-18.3. Statement of Purpose; Charter School Defined; subject to federal and state law prohibiting discrimination; other requirements; open enrollment required; Charter School Applications; review team; regulations to be established.**

— A. In order to:

- (i) encourage the development of innovative programs;
- (ii) provide opportunities for innovative instruction and student assessment;
- (iii) provide parents and students more choices;
- (iv) provide innovative scheduling, structure and management;
- (v) encourage the use of performance-based educational programs;
- (vi) establish high standards for teachers and administrators; and
- (vii) develop models for replication in other public schools, the School Board shall receive and consider applications for the establishment of charter schools.

B. A charter school is a public, nonreligious, or non-home-based alternative school located within Suffolk Public Schools 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 shall not be 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 will give priority

to public charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation. 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.

C. All charter schools shall be subject to federal and state law, regulations and constitutional provisions prohibiting discrimination in admissions, employment or operation on the basis of disability, race, creed, color, gender, sex, sexual orientation, gender, gender identity, national origin, religion, ancestry 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, shall also be subject to the requirements of the federal No Child Left Behind Act of 2001. No public charter school shall discriminate against any student on the basis of limited proficiency in English and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

D. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the School Board approves such measures. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies or operations.

E. 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. Students eligible to enroll in the school division pursuant to Va. Code § 22.1-3.B because they are the children of military personnel on active military duty who will reside in the division may participate in the lottery process for charter schools in the division at the same time and in the same manner as students who reside in the division.

F. Any person, group or organization may submit an application for the formation of a charter school. Applicants must follow state law and School Board policy regarding charter schools. Applicants must submit:

- (i) the Applicant's Virginia Public Charter School Application package submitted to the State Board of Education,

- (ii) the result of the State Board of Education's review of the Applicant's state application, and
- (iii) the Suffolk Public Schools' Charter School Application Addendum prepared in accordance with School Board policy.

Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. The Board of Education will examine such applications for feasibility, curriculum, financial soundness, and other objective criteria it may establish, consistent with existing state law. The Board of Education's review and comment will be 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 Board of Education for review and recommendation.

G. The applicant must complete the entire application in the format as required by the School Board. The School Board shall establish a "review team" consisting of appropriate school personnel, a local business representative and a resident charter school proponent to evaluate charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with applicants for charter schools. When an application is incomplete, the review team 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 timeframe (established by the review team) then the application may be denied. The review team 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.

H. Suffolk Public Schools shall establish regulations for receiving, reviewing and ruling on applications for the establishment of charter schools. Such regulation must include a timeline 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. 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, the regulation will provide for public notice and the receipt of comments on public charter school applications. 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 posted on the division's website and a copy shall be made available to any interested party upon request. (Adopted June 13, 2013; Ordinance Number 12/13-142; Effective Date: July 1, 2013; Ordinance Number 19/20-60; Revised/Effective Date: January 9, 2020)

**Legal Authority** – Virginia Code §§ 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-952.2., 22.1-3, 22.1-212.5 (1950), as amended.

**BE IT FURTHER ORDAINED** that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

**FIRST READING:** \_\_\_\_\_

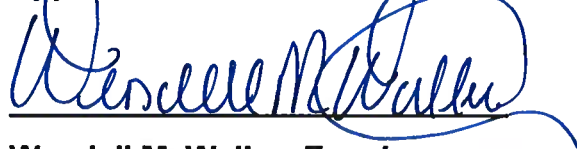
**SECOND READING:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

**CLERK**

**Approved as to form and content:**



**Wendell M. Waller, Esquire**  
**School Board Attorney**