

1 H.382

2 Introduced by Representative Crawford of Burke

3 Referred to Committee on

4 Date:

5 Subject: Education; charter schools

6 Statement of purpose: This bill proposes to authorize the creation of public
7 charter schools in Vermont

8 An act relating to authorizing the creation of public charter schools in
9 Vermont

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 16 V.S.A. chapter 14 is added to read:

12 CHAPTER 14. PUBLIC CHARTER SCHOOLS

13 § 731. STATEMENT OF INTENT

14 It is the intent of the general assembly that charter schools will provide
15 innovative, performance-based, cost-effective educational programs for
16 Vermont students. Charter schools may have alternative methods of
17 educational instruction, assessment, school structure, management, or other
18 methods designed to improve academic achievement for Vermont students.

1 § 732. PUBLIC CHARTER SCHOOLS

2 In this chapter, “public charter school” or “charter school” means a public
3 school that:

4 (1) has received a charter from the state board of education and is
5 accountable to the board for observing the requirements of that charter;

6 (2) operates pursuant to educational objectives defined in its charter and
7 provides a nonsectarian program of education for elementary students or
8 secondary students or both; and

9 (3) has autonomy over decisions concerning such matters as finance,
10 personnel, scheduling, curriculum, and instruction, but is otherwise subject to
11 state laws governing health, safety, civil rights, employee criminal history
12 checks, open meetings, open records requirements, and generally accepted
13 accounting principles.

14 § 733. APPLICATION FOR PUBLIC CHARTER SCHOOL STATUS

15 (a) A partnership or corporation, including a public school district or other
16 public corporation, may apply to the state board of education for a charter to
17 create a charter school under this chapter. The state board may authorize the
18 conversion of a public school or schools within a school district into one or
19 more charter schools if a majority of the district’s electorate votes to do so.

20 (b) The commissioner of education shall develop and publish a charter
21 school application form, which shall request all necessary information and

1 shall include the process and criteria for acceptance of the application for the
2 charter. The department shall establish a reasonable application fee.

3 (c) In addition to other information that may be required by the
4 commissioner, a complete application shall provide the following information:

5 (1) A description of the educational program of the proposed school,
6 including how parents will be involved in the education of their children.

7 (2) The measurable pupil achievements to be accomplished and the
8 method by which pupil progress in meeting pupil achievements is to be
9 measured.

10 (3) The governance structure of the school, including how parents shall
11 be involved.

12 (4) The qualifications to be met by individuals employed by the school.

13 (5) The procedures that the school will follow to ensure the health and
14 safety of pupils and staff.

15 (6) The manner in which an annual audit of the financial and
16 programmatic operations of the school is to be conducted.

17 (7) The standards and procedures, consistent with subchapter 4 of
18 chapter 25 of this title, by which pupils may be disciplined, suspended, or
19 expelled.

1 (8) If a school district is applying for charter status for a whole school,
2 how it intends to ensure that students who do not wish to attend the charter
3 school will receive educational services.

4 (d) The state board shall accept charter school applications up to July 15 of
5 each year and shall make its decisions regarding which applicants shall receive
6 charters for the next school year by October 15. By July 15, the applicant shall
7 provide notice of the application to the school district in which the school
8 would be located and to adjoining school districts.

9 (e) Following opportunity for public comment, the state board may grant or
10 reject an application or it may suggest modifications to an application and
11 condition granting of a charter on mutual agreement between the applicant and
12 the state board to a modified application. The board shall either reject or grant
13 the proposed changes no later than 90 days after receiving an application for
14 modification.

15 (f) The state board may revoke a charter, following opportunity for hearing,
16 if the school has not fulfilled, or has violated, any conditions imposed by its
17 charter

18 (g) A charter school shall not be subject to provisions of laws regulating
19 traditional public school, except for provisions:

20 (1) of this chapter;

21 (2) of subchapter 3 of chapter 25 of this title;

- 1 (3) related to health, safety, and civil rights requirements;
2 (4) of the federal government relating to public schools;
3 (5) related to disbursement and accounting of funds; and
4 (6) of sections 557 and 559 of this title, as they relate to the governing
5 board of the school.

6 § 734. OPERATION OF A PUBLIC CHARTER SCHOOL

- 7 (a) A public charter school shall be open to all students on a
8 space-available basis. Admission to a charter school shall not be determined
9 according to the place of residence of the pupil, or of his or her parent or
10 guardian, within this state, except that any existing public school converting
11 partially or entirely to charter school status shall adopt and maintain a policy
12 giving admission preference to pupils who reside within the school district.
13 Admission preference at a charter school may be given to siblings of students
14 enrolled in that school. If the number of preferred applicants exceeds the
15 number of spaces available, a lottery shall be held to determine which of the
16 preferred applicants shall be accepted. If all preferred applicants have been
17 accepted and the number of remaining applicants exceeds the number of
18 remaining spaces, a lottery shall be held to determine which of the remaining
19 applicants shall be admitted.
20 (b) A school district shall grant a one-year leave of absence to any teacher
21 requesting leave in order to teach in a charter school, provided that the teacher

1 requests the leave either by October 15 or by a date required for requesting
2 leave of absence under the teacher's contract. At the end of the year, the
3 teacher and school board may agree to extend the leave in order to allow the
4 teacher to continue teaching at the charter school.

5 (c) To allow a school district to predict the probable number of enrolled
6 students when it determines its budget for the next year, charter schools may
7 not accept a student from a public school that is not a charter school unless the
8 student has notified the public school before December 15 of his or her intent
9 to transfer to the charter school. The board of a public school that is not a
10 charter school, however, may waive this requirement at its discretion.

11 (d) For the purposes of labor relations between teachers and administrators
12 and the board of trustees of a charter school, chapter 57 of this title shall apply.
13 For purposes of negotiations conducted under chapter 57, however, "teacher"
14 and "administrator" shall mean a person employed in a position that would
15 require a licensed teacher or licensed administrator in other public schools and
16 "school board" shall mean the board of trustees.

17 (e) For the purposes of labor relations between nonteaching employees and
18 the board of trustees of a charter school, 21 V.S.A. chapter 22 shall apply.
19 Nonteaching employees shall be municipal employees, and the board of
20 trustees shall be the employer.

1 (f) Licensed teachers employed by a charter school shall be eligible to
2 participate in the teacher retirement system under chapter 55 of this title under
3 the same terms and conditions as licensed public school teachers, and service
4 in a charter school shall be creditable service.

5 § 735. TUITION; FINANCES

6 (a) A public charter school shall be a public school for purposes of tuition
7 payments, which shall be paid pursuant to the provisions of chapter 21 of this
8 title.

9 (b) School districts shall continue to count charter school pupils resident in
10 the district when calculating cost per equivalent pupil and residential property
11 tax rates.

12 (c) A charter school may not require any tuition fee from the student or
13 parents and may not charge a fee for any required activity or program.

14 (d) A charter school shall not be eligible for capital construction or capital
15 debt service aid from the state.

16 (e) A school district sending students to a charter school shall be subject to
17 the provisions of section 826 of this title as it relates to charging and paying of
18 tuition and other costs for special education programs and services.

19 Sec. 2. 16 V.S.A. § 563(24) is amended to read:

20 (24) Shall adopt a policy ~~which~~ that, in accordance with rules adopted
21 by the state board of education, will integrate both home study students and

1 resident students enrolled in a public charter school into its schools through
2 enrollment in courses, participation in cocurricular and extracurricular
3 activities and use of facilities.

4 Sec. 3. TRANSITIONAL PROVISIONS

5 The state board of education shall not authorize any charter schools under
6 16 V.S.A. chapter 14 prior to July 1, 2012.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on passage.