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EDUCATION AGENCY RELATIONS GOALS

The New Kent County School Board will support the endeavors of other educational institutions whose goals are compatible with those of the division.

To the extent appropriate, the school division will utilize the resources of other educational institutions for the benefit of its students and the development of its staff.

The school division will cooperate with educational institutions and agencies in selected areas of research and experimentation which have the potential to increase the effectiveness of teacher preparation or staff development and/or which directly improve the local instructional program. To protect students and teachers from unnecessary intrusions that may disrupt instruction and regular school activities, requests for college students and professors to observe classes or otherwise utilize division students shall be submitted directly to the Superintendent.

The school division will strive to improve the climate for education, particularly with reference to expanding the fiscal base, providing for efficient expenditure of funds, and bringing about state or federal legislation which improves education or contributes to division goals.

The school division will cooperate with professional educational organizations whose goals are compatible with those of the division.

Adopted: September 4, 2002
Revised: April 2, 2012

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: JHDA Human Research
KFB Administration of Surveys and Questionnaires
LEA Student Teachers

RELATIONS WITH PRIVATE SCHOOLS

The School Board and superintendent may work with private schools that serve the community in matters of common interest, unless expressly prohibited by state statutes or local School Board policy. The superintendent is authorized to consult with officials of these schools to determine areas of mutual concern and interest and to make recommendations to the Board. The School Board will not enter into agreement with any nonpublic school within the division to provide student transportation to and from such schools.

Adopted: July 2, 2007
Reviewed: April 22, 2013 – no changes

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78; 22.1-176.1.

HOME INSTRUCTION

The New Kent County School Board recognizes that when the requirements of Va. Code §22.1-254.1 are complied with instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if the parent

- holds a high school diploma; or
- is a teacher of qualifications prescribed by the Board of Education; or
- provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner;
- or provides evidence that the parent is able to provide an adequate education for the child.

DEFINITION

For purposes of this policy, “parent” means any parent, guardian, legal custodian or other person having control or charge of a child.

NOTIFICATION BY PARENTS

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the superintendent no later than August 15 of the parent’s intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year and evidence of having met one of the criteria for providing home instruction. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the Superintendent of the parent’s intention to provide home instruction as soon as practicable and shall comply with the requirements of this policy within thirty days of such notice. The superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

EVIDENCE OF PROGRESS

A parent who elects to provide home instruction to a child who is over the age of six as of September 30 of the school year shall provide the superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine any nationally normed standardized achievement test or an equivalent score on the ACT, SAT or PSAT test or (ii) an evaluation or assessment which the superintendent, determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master’s degree or higher in an academic discipline, having knowledge of the child’s academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the superintendent evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the Superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with Va. Code § 22.1-254.

IMMUNIZATIONS

Any parent, guardian or other person having control or charge of a child being home instructed, exempted or excused from school attendance shall comply with the immunization requirements provided in Va. Code § 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Upon request by the Superintendent, the parent shall submit to the superintendent documentary proof of immunization in compliance with Va. Code § 32.146.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the division superintendent stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (ii) a written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

NOTIFICATION TO PARENTS

Students receiving home instruction and their parents will be notified of the availability of Advanced Placement (AP) and Preliminary SAT (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. Such notice will be given when the parent notifies the division that the student will receive home instruction.

DISCLOSURE OF INFORMATION

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this policy or subdivision B 1 of Va. Code § 22.1-254. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

Adopted: June 3, 2002
Revised: August 1, 2005
Revised: August 7, 2006
Revised: November 3, 2008
Revised: August 1, 2011
Revised: August 6, 2012
Revised: July 13, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-254, 22.1-254.1, 22.1-2714, 32.1-46; 54.1-2952.2.

Pollard v. Goochland County School Board, No. 3:00CV563 (E.D. Va. Sept. 27, 2001).

Cross Ref: JO Student Records

(RE)ENTERING NEW KENT COUNTY PUBLIC SCHOOLS

Elementary School Students (Pre K-5)

Families will provide documentation of standardized test results or students will be tested at the school in reading and mathematics to determine the student's grade placement.

Middle School Students (6-8)

Families will provide documentation of standardized test results or students will be tested at the school and the students will be placed in the appropriate classes under the direction of the school principal and guidance counselor.

The New Kent School Board decided to permit, on a trial basis, eighth grade students with schedule conflicts to have Latin this year if their parents wish to provide home instruction. The board made it clear that such students would have to pass a Latin exam, given by our division, in order for the student to earn credit.

High School Students (9-12)

Because credits are required for graduation, the following guidelines will be followed:

- Every student entering high school is required to earn the credits necessary for graduation, including students who have been on a program of home instruction during one or more of their high school years.
- An evaluation committee will be established at New Kent High School for the purpose of determining how many credits, if any, will be awarded to students who have completed courses during home instruction. The committee will be composed of the principal or his assistant, a guidance counselor, and the department head of the subject in question.
- Each student who has been involved in home instruction and who wishes to obtain credits for his home studies must appear before this evaluation committee. If the program of study that the student completed concluded with a written transcript including a performance analysis, the committee will take that into serious consideration when determining if credit will be given. If there is no transcript of student performance the committee will determine by oral and/or written assessments (typically the final exam for the course in question), if credits are to be awarded to the student. If the committee does not award credit, the student will be required to repeat the course. The school division is under no obligation to award credit for home instruction classes.
- Credit awarded by the evaluation committee will be permanent.
- Letter grade designations will not be given under any circumstance due to the differences in the nature of instructional programs.
- All students would be required to satisfy necessary requirements for completion of the Literacy Passport Test and any Standards of Learning Tests.

NKSB Review: 4/22/13

CHARTER SCHOOLS

Purpose

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 New Kent County School Board receives and considers applications for the establishment of charter schools.

Definition of Charter School

A charter school is a public, nonreligious, or non-home-based alternative school located within the New Kent County school division 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 are not 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 gives priority to public charter school applications designed to increase the educational opportunities of at-risk students. 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.

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.

Public charter schools are subject to all federal laws and authorities as set forth in law and the charter contract. Public charter schools are subject to the same civil rights, health and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided by law.

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 discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

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.

No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies or operations.

Application Process

Any person, group or organization may submit an application for the formation of a public charter school to the New Kent County School Board. A complete application includes the applicant's Virginia Public Charter School Application package submitted to the Board of Education, the result of the Board of Education's review of the application and the Charter School Application Addendum LC-E New Kent County Charter School Application Addendum). 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 School Board. Charter School applications initiated by the New Kent County School Board must conform to the Virginia Public Charter School Application. However, such applications are not required to receive Board of Education review and comment prior to action by the School Board.

The Board of Education examines all applications other than those initiated by the School Board, 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 is 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 recommendations.

All public charter school applicants, other than those initiated by the School Board, must also complete the application addendum in the format provided in Exhibit LC-E New Kent County Charter School Application Addendum. 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 time frame (established by the review team) then the application may be denied.

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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.

The New Kent County School Board shall establish a regulation 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 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 comment 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.

School Board Decision

If the School Board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, is entitled to petition the School Board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, revoked, or not renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

The School Board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the School Board for such decision. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation, or non-renewal.

Upon reconsideration, the decision of the School Board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement is final and not subject to appeal.

Nothing in this policy prohibits an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application.

Charter Contract

Within 90 days of approval of a charter application, the School Board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the School Board and the public charter

school, including each party's rights and duties. The 90-day period may be extended by up to 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

The academic and operational performance expectations and measures in the charter school contract shall be based on performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the School Board's evaluations of the public charter school. The performance framework shall include indicators, measures and metrics for:

- student academic proficiency;
- student academic growth;
- achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status;
- attendance;
- recurrent annual enrollment;
- postsecondary education readiness of high school students;
- financial performance and sustainability; and
- the performance and stewardship of the management committee, including compliance with all applicable laws, regulations and terms of the charter contract.

The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by the charter school to augment external evaluations of its performance, provided the School Board approves the quality and rigor of such indicators.

The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status.

Annual performance targets shall be set by the public charter school and the School Board shall be designed to help each school meet applicable federal, state and School Board expectations.

The charter contract shall be signed by the chairman of the School Board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the School Board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

No public charter school shall commence operations without a charter contract executed in accordance with this policy and approved in an open meeting of the School Board.

Waivers of School Board Policy and State Regulation

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The School Board shall request from the Board of Education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A charter school shall be responsible for its own operations. However, a charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services; services provided by the School Board must be provided at cost.

The applicant and members of the management committee, administrators, and other personnel serving in a public charter school must disclose any ownership or financial interest they may have in renovating, lending, granting, or leasing public charter school facilities.

Personnel

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 charter school personnel shall be subject to the provisions of §§ Va. Code 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 noncharter schools. Professional, licensed personnel who request assignment to a noncharter 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 noncharter 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.

Funding

Charter schools shall be funded as provided by law and negotiated in the charter contract.

Revocation and Renewal of the Charter Contract

The School Board may revoke a charter contract if:

- the charter school violates the conditions, standards or procedures established in the application;
- the charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);
- 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;
- the charter school fails to meet generally accepted standards of fiscal management; or
- the charter school violates any provision of law from which it was not specifically exempted; or

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by December 1 of the school year the charter expires.

The application for renewal shall contain:

- 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
- a financial statement, on forms prescribed by the Board of Education, disclosing 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
- 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.

Reports

The School Board reports the following to the Board of Education:

- 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 contains documentation as to the reason for the denial or revocation;

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- whether a public charter school is designed to increase the educational opportunities of at-risk students

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: September 4, 2002
Revised: June 2, 2003
Revised: August 2, 2004
Revised: June 6, 2005
Revised: August 1, 2005
Revised: July 12, 2010
Revised: October 4, 2010
Revised: August 6, 2012
Revised: June 17, 2013
Revised: July 7, 2014
Revised: January 7, 2015
Revised: July 18, 2016

Legal Ref: 20 U.S.C. § 6311(b)(1)(B).

Code of Virginia, 1950, as amended, § 22.1-212.5 et seq.

Cross Ref.: KBA Requests for Information
KBA-F1 Requests for Public Records
KBA-F2 Records of Inspection and/or Delivery of Copies
KBA-R Requests for Information
LC-E New Kent County Charter School Application Addendum

CHARTER SCHOOL CRITERIA CHECK LIST

Overall

- Do all elements of the proposal fit together?
- Is the proposal complete and feasible?
- Is the proposal clear and specific rather than vague?
- Does the proposed school offer something different from existing schools within the School Division?

Mission

- Is there a clearly articulated vision?
- Does it meet one or more of the objectives enumerated in the charter school law established by the School Board?
- Is it consistent or compatible with the strategic plan of the School Board?
- Is it consistent with the Standards of Quality, and by reference the Standards of Accreditation and Standards of Learning?
- Do other elements of the application support the state mission?
- Are the target student population and specific area(s) of concentration designated?

Goals and Educational Objectives

- Do they meet or exceed the Standards of Learning?
- What is the likelihood that the school will meet the goals and objectives and improve educational results for students?
- Are they clear, measurable and sound goals for building an educational program?
- Do they promote high student expectations and achievement?
- Do research and experience indicate that the goals and objectives are appropriate for the target population?

Evidence of Support

- Is there tangible evidence of sufficient support to open and maintain the charter school (designate a number of students, parents and teachers that must indicate their support)?
- Do 80% of the school's teachers and 80% of student or parents of the school's students support the conversion of an existing school to a charter school?
- Do the parents of the existing school's students understand the charter school's admissions process?
- Is the extent of community support sufficient?

Statement of Need

- Is the need realistic?
- Is the need based on accurate information?
- Is there a demand among the target population?

- Does it meet or exceed applicable Standards of Quality, and by reference the Standards of Accreditation and Standards of Learning?
- Is the educational program based on a sound educational model or approach?
- Do the education, curriculum and standards reflect the mission, goals and objectives?
- Do the curriculum and education offer an alternative to what currently is offered?
- Has the applicant demonstrated how student achievement will be improved?
- Are the standards attainable?

Pupil Evaluation: Assessments, Timeline and Corrective Action

- Will the proposed assessments accurately measure pupil progress and achievement toward the stated standards and goals?
- Are the assessments well-developed and comprehensive (rate the quality of the strategy for assessing achievement)?
- Is the timeline for achievement realistic?
- Will the proposed corrective action yield results?

Admissions Process

- Does it comply with state and federal charter school laws?
- Does it comply with state and federal laws, regulations and constitutional provisions regarding discrimination and any court-ordered desegregation plan?
- Is it consistent with the mission?
- Does the proposal demonstrate a solid plan to attract sufficient students to open and maintain the school?
- Does the process foster a diverse student body?
- Is there a timely and realistic procedure for admitting students?
- Is the plan for the transfer of students the same or better than the plan the School Division uses for transfers from private and home schools?
- Will the charter school's enrollment be high enough to ensure the viability of the school and low enough to limit the school division's financial obligation?

Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

- Is the budget reasonable and viable?
- Will the establishment of the charter school have a negative fiscal impact on the School Division? (Note: Funding and service agreements shall not constitute a financial incentive or disincentive to the establishment of a charter school).
- Is the budget for one, two or three years (decide whether you will accept a term, and therefore a budget, for less than three years)?
- Are projected costs realistic in light of the proposal?
- Does the budget account for realistic planning and start-up costs?
- Does the budget provide for services required by special needs students?
- Are revenues accurately estimated? Is reliance on anticipated grants and private funding realistic?

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- Does the financial plan provide for contingencies?
- Are proposed student fees acceptable?

- Is the plan for the annual audit sound and based on generally accepted accounting principals? Does the plan provide for monthly reporting of financial information to the School Board? Is the manner of audit and reporting clear and understandable?

Displacement Plan

- Is the plan realistic?
- Does the plan provide adequate time to transfer employees and implement due process for licensed employees who will be laid off or not renewed?
- Does the plan provide enough time for students to be placed in appropriate schools?
- Are employees and students treated fairly and equitably?

Management and Operation

- Is the management structure consistent with the mission, goals and objectives; does it help fulfill the mission?
- Are roles and responsibilities clearly defined?
- Is the method of management workable and realistic?
- Are parent, teacher and student involvement in decision-making addressed?
- Is there a clear description of how the committee will be chosen, what the term limits will be and the committee's relationship to teachers and administrators?

Employee Relations

- Does the proposal contain high professional standards for teachers and staff?
- Is there a commitment to professional development?
- Has the applicant demonstrated that quality staff will be attracted to the school?
- Has the applicant developed an adequate human resources plan, including appropriate policies that are in compliance with state and federal law?
- Does the proposal provide for state and federal, if applicable, criminal background checks of employees and how those will be conducted?
- Is there an appropriate evaluation process for probationary teachers and all other employees?
- Have affected employees been notified of the terms and conditions of employment?

Legal Liability and Insurance Coverage

- Are the School Board and the School Division sufficiently protected from legal liability?
- Will the charter school be insured through the School Division or obtain its own coverage?
- Is the charter school insurable?
- Has the charter school planned for adequate insurance coverage?

Transportation

- Does the proposal provide equal access for all students?
- Is the proposal a workable, fair, non-discriminatory and cost-effective arrangement for safely transporting students to and from school?

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Assurances

- Is the applicant committed to establishing a non-sectarian school?
- Does the applicant agree not the charge tuition?

Waivers

- Are the requested waivers necessary to fulfill the mission or achieve the goals and objectives of the school?

Discrimination

- Does the applicant demonstrate a commitment and willingness not to discriminate and to accommodate the needs of special students?
- Does the applicant have the knowledge and resources to comply with the Rehabilitation Act of 1973 and the Americans with Disabilities Act?

Applicant Information

- Do the applicants have the knowledge, skill and ability to implement the proposal?
- Does the applicant have expertise or access to expertise in the areas of finance, fundraising, educational development, human resource management and community organizing?
- Does the applicant have the ability for further recruitment of founders and organizers if necessary?

Facility

For applicants who have acquired a facility:

- Conduct a site visit.
- Is the space adequate for the proposed program and student population?
- Does the facility meet state building code and Americans with Disabilities Act requirements?
- Are the arrangements for facility maintenance appropriate?
- Has required documentation been submitted (certificate of occupancy, certificate of health inspection, certificate of fire inspection, proof of compliance with federal, state and local health and safety law and regulations).
- Is the lease or purchase contract legal?

For applicants who have not yet acquired a facility determine:

- Does the applicant understand the legal requirements for a public school building?
- Does the applicant have the means to ensure the facility's compliance with local building codes and health and safety requirements?
- Will the facility and/or its location help fulfill the mission?

Health and Safety

- Are adequate procedures proposed to ensure the health and safety of students and employees?

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Indemnity

- Is the applicant legally binding itself to defend, hold harmless and indemnify the school division and the School Board?

Services

- Has the applicant obtained appropriate services from reliable providers?

- Can the School Division provide the requested services?

Timeline

- Is there a specific and feasible plan for starting a school?
- Are projected dates realistic?
- Does the timetable provide for unexpected contingencies?
- Is the timetable complete?

Renewal

- Does the applicant understand when renewal is required?

Adopted: November 7, 2011
Reviewed: August 6, 2012 - no changes

NEW KENT COUNTY CHARTER SCHOOL APPLICATION ADDENDUM

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. A complete New Kent County Charter School Application (“Application”) consists of (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 *New Kent County Charter School Application Addendum* prepared in accordance with this policy. However, Charter School applications initiated by the New Kent School are not required to receive Board of Education review and comment prior to action by the School Board.

Applications must be received by the Superintendent on or before November 1 prior to the year in which the charter school desires to open. An original plus five copies of the application must be submitted. An application fee of \$250.00 shall be submitted with the application. Applicants must follow the application addendum format provided below.

Information Required by Virginia Law to be in the Application

I. Goals and Objectives; Educational Program

Provide a statement of the goals and objectives of the proposed public charter school. The following components must be addressed:

- A. A description of the performance-based goals. To the extent possible, the application should include the academic performance indicators, measures and metrics that will guide the New Kent School Board’s evaluations of the charter school and should include, at minimum:
 1. Student academic proficiency;
 2. Student academic growth;
 3. Academic gaps in both proficiency and growth between major student subgroups;
 4. Attendance;
 5. Recurrent enrollment from year to year; and
 6. Postsecondary readiness (for high schools).
- B. A description of the measurable educational objectives to be achieved by the public charter school.
- C. A description of the pupil performance standards and curriculum, which must meet or exceed any applicable Virginia Standards of Quality.
- D. A description of how the Virginia Standards of Learning (SOL) and the corresponding SOL Curriculum Framework will be used as the foundation for curricula to be implemented for each grade or course in the public charter school. Include within the description how the goals and objectives of the curricula will meet or exceed the Virginia Standards of Learning, address student performance standards related to state and federal assessment standards and include measurable outcomes.

- E. A description of any internal and external assessment to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to SOL assessments prescribed by Va. Code § 22.1-253.13:3.
- F. A description of the public charter school assessment plan to obtain student performance data, which includes how the data will be used to monitor and improve achievement and how program effectiveness will be measured over a specified period of time. Also provide benchmark data on how student achievement will be measured and how these data will be established and documented in the first year of operation and how the data will be measured over each year of the term of the charter. The benchmark data should address targets for student improvement to be met in each year.
- G. The timeline for achievement of pupil performance standards, in accordance with the Virginia SOL.
- H. An explanation of the corrective actions to be taken in the event that pupil performance at the public charter school falls below the standards outlined in the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Charter Schools in Virginia*, (8 VAC 20-131-310).
- I. Information regarding the minimum and maximum enrollment per grade for each year during the term of the charter contract, as well as class size and structure for each grade served by the public charter school.
- J. Information regarding the proposed calendar and a sample daily schedule, including any plans to open prior to Labor Day.
- K. A description of plans for identifying and successfully serving students with disabilities, English Learners, academically at-risk students and gifted and talented students which include the extent of the involvement of the School Board in providing such services.
- L. If applicable, the following components should be addressed:
 - 1. Any plans to utilize virtual learning in the educational program, including identification of the virtual learning source and a description of how virtual learning will be used and an estimate of how many students are expected to participate.
 - 2. A general description of any alternative accreditation plans, in accordance with the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, (8 VAC 20-131-280), that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.
 - 3. A general description of any alternative accreditation plan for serving students with disabilities, in accordance with the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia* (8 VAC 20-131-40) that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.

II. Evidence of Support

Provide evidence that an adequate number of parents, teachers, pupils or any combination thereof, supports the formation of a public charter school. The following components must be addressed:

- Information and materials indicating how parents, the community and other stakeholders were involved in supporting the application for the public charter school.
- Tangible evidence of support for the public charter school from parents, teachers, students and residents, or any combination thereof, including but not limited to information regarding the number of persons and organizations in the process and petitions related to the establishment of the charter school.
- A description of how parental involvement will be used to support the education needs of students, the school's mission and philosophy and its educational focus.

III. Statement of Need

Describe the need for a public charter school in the school division or relevant part of the school division. The following components must be addressed:

- A statement of the need for a public charter school that describes the targeted school population to be served and the reasons for locating the school in its proposed location.
- An explanation of why the public charter school is being formed. (Is the school being formed at the requests of parents or community organizations? How was the need determined? What data were examined as part of the needs assessment? Briefly describe the need and include a summary of the quantitative data.)
- An explanation of why a public charter school is an appropriate vehicle to address the identified need.

IV. Applicant Information

List the name, address, phone number and qualifications of the applicant(s) and designate an applicant contact person.

V. Facility

Describe the facility(ies) to be used for the charter school or the plan for the acquisition of a facility. The description should address

- How the facility provides suitable instructional space;
- Provisions for library services;
- Provisions for the safe administration and storage of student records;
- Provisions for the safe administration and storage of student medications;
- The applicants plan for complying with building and fire codes and the federal Americans with Disabilities Act (ADA);
- Information on emergency evacuation plans;
- Information regarding site location and preparation;
- The structure of operation and maintenance services; and
- Financial arrangements for the facility, including lease arrangements with the School Board or other entities and whether any debt will be incurred.

If the facility is not property of the school division, then the following must be provided

- A certificate of occupancy;
- A health inspection certificate;
- An annual fire certificate of inspection;
- Proof of compliance with federal, state and local health and safety laws and regulations; and
- A copy of the lease or contract under which the charter school will use the facility.

If the facility is property of the school division, then describe plans, if any, for alteration or renovation.

VI. Enrollment Process

Describe the enrollment process that is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions. The following components must be addressed:

- A description of the lottery process to be used for the establishment of a waiting list for students whom space is not available.
- A description of a tailored admission policy that meets the specific mission or focus of the public charter school, if applicable.
- A timeline of when the lottery process will begin for the first academic year of enrollment and when parents will be notified of the outcome of the lottery process.
- A description of any enrollment-related policies and procedures that address special situations, such as the enrollment of siblings and children of faculty and founders and the enrollment of nonresident students, if applicable.
- An explanation of how the applicant will ensure that, consistent with the public charter school's mission and purpose, community outreach has been undertaken so that special populations are aware of the formation of the public charter school and that enrollment is open to all students residing in the school division where the public charter school is located or in school divisions participating in a regional charter school.
- A description of how the transfer of student records and other program information to and from the public charter school will be accomplished.
- A description of how students seeking enrollment after the school year begins will be accommodated.

Students will be placed in a lottery for admission to any charter school that has been converted from a regular, public school. Younger siblings of accepted students will be given a chance to enroll in the charter school prior to the lottery. Once younger siblings are enrolled they do not have to reapply or participate in the lottery for admission. Younger siblings are only given priority enrollment one time while the older sibling is enrolled at the charter school.

VII. Employment Terms and Conditions

Provide an explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. At the discretion of the School Board, charter school personnel may be employees of the School Board, or Boards, granting the charter.

Any personnel not employed by the School Board shall remain subject to the provisions of Va. Code §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4. The following components must be addressed:

- A plan that addresses the qualifications of teachers and administrators at the public charter school, including compliance with state law and regulation regarding Virginia Board of Education licensing requirements.
- A plan to provide high-quality professional development programs.
- Provisions for the evaluation of staff at regular intervals and in accordance with state law and regulation.
- Provisions for a human resource policy for the public charter school that is consistent with state and federal law.
- Notification to all school employees of the terms and conditions of employment.

VIII. Transportation

Describe how the public charter school plans to meet the transportation needs of its pupils. The following components must be addressed:

- A. A description of how the transportation of students will be provided:
 1. By the local school division;
 2. By the public charter school;
 3. By the parent(s); or
 4. Through a combination of these options.
- B. If transportation services will be provided by the public charter school, explain whether the school will contract for transportation with the School Board or with another entity or have its own means of transportation and indicate whether transportation will be provided to all students attending the school.
- C. A description of transportation services for students with disabilities in compliance with Va. Code § 22.1-221 and the Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia* (8 VAC 20-131-40).
- D. A description of transportation services for students in foster care in compliance with federal law.

IX. Residential Charter Schools

If the application is for a residential charter school for at-risk students, the following components must be addressed:

- A. A description of the residential program to include:
 1. the educational program;
 2. a facilities description to include grounds, dormitories and staffing;
 3. a program for parental education and involvement;
 4. a description of after-care initiatives;
 5. the funding sources for the residential facility and other services provided;
 6. any counseling and other social services to be provided and their coordination with current state and local initiatives; and
 7. a description of enrichment activities available to students.

- B. A description of how the facility will be maintained including, but not limited to:
1. janitorial and regular maintenance services and
 2. security services to ensure the safety of students and staff.

X. Services to be Provided by the School Board

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks. Also, list services and their estimated costs that will be provided by others.

XI. Timeline

Provide a detailed timeline, identifying each step required to establish the charter school, including, but not limited to, staff hiring, location and purchase of materials, implementing the evaluation plan, obtaining necessary services, opening an appropriate facility and consulting with experts, if necessary. **Please remember that, as with establishing Regional Vocational and Governor's Schools, it will take at least 8-12 months to implement the proposal.**

XII. Health and Safety

Describe the procedures the charter school will implement to ensure the health and safety of the students and employees, including

- how and if the management committee will conduct a state criminal record check on all employees;
- how the charter school will conduct fingerprinting and federal criminal record checks, if applicable;
- how the charter school will comply with the requirement to report child abuse; and
- how the charter school will comply with Occupational Safety & Health Act requirements.

XIII. Indemnity

Assure that the School Board will be defended, held harmless and indemnified against any claim, action, loss, damage, injury, liability, cost or expense of any kind as a result of the operation of the charter school or actions by its agents, employees, invitees or contractors.

XIV. Renewal

Assure that if the charter school wants to renew its contract, it shall apply at least six months prior to the expiration of the contract.

XV. Displacement Plan: Pupils and Employees

- A. Describe the plan for the displacement of pupils, teachers and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers and employees upon termination or revocation of the charter.

The following components must be addressed:

1. Identification of a member of the school's leadership who will serve as a single point of contact for all activities that may need to take place for the school to close, including but not limited to the transfer of students to another school, the management of student records and the settlement of financial obligations.
2. A notification process to parents/guardians of students attending the school and teachers and administrators of the closure date.
3. A notification process to parents/guardians of students attending the public charter school of alternative public school placements within a set time period from the date that the closure is announced.
4. Provisions for ensuring that student records are provided to the parent/guardian or another school identified by the parent or guardian within a set time period. If the student transfers to another school division, provisions for the transfer of the student's records to the school division to which the student transfers shall be made upon request of that school division.
5. Notification to the School Board of a list of all students in the school and the names of the schools to which these students will transfer.
6. A placement plan for school employees that details the assistance to be provided, if any, within a set period of time from the date of closure. For teachers and administrators, the plan of assistance should address finding employment with the school division where the public charter school is located or other public school divisions.
7. A close-out plan related to financial obligations and audits, the termination of contracts and leases, and the sale and/or disposition of assets within in a set period of time from the date of closure. The plan shall include the disposition of the school records and financial accounts upon closure.

- B. Describe the plan for the placement of students and employees if the charter school facility is destroyed (e.g. by flood or fire) or unable to be occupied for any reason.

XVI. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses and relevant experience of the proposed management committee. This section should include:

- a detailed description of the relationship between the management committee and the School Board, including the charter school spokesperson (i.e. who is accountable to the School Board);
- how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act, the State and Local Government Conflict of Interests Act, the Virginia Public Records Act and reporting requirements;
- how the management committee is selected and its relationship to the teachers and administrators;
- a description of the rules and procedures followed to arrive at policy and operational decisions; and
- summaries of the job descriptions of key personnel, including the school leader/principal.

The following components must also be addressed:

- A. An explanation of how support services will be funded and delivered. These services include, but are not limited to:
 1. food services;
 2. school health services;
 3. custodial services;
 4. extracurricular activities; and
 5. security services

- B. An explanation of any partnership or contractual relationships (education management organization, food services, school health services, custodial services, security services, etc.) central to the school's operations or mission, including information regarding the relationship of all contractors to the governing board of the public charter school, and information regarding how contractors and the employees of the contractors having direct contract with students will comply with Va. Code § 22.1-296.1.

- C. Plans for recruiting and developing school leadership and staff.

XVII. Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division. Include detailed sources of revenue and expenditures for the proposed term of the charter (at most five years) and a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted. Anticipated gifts, grants or donations and a student fee schedule should be included. The following components must also be included:

- Proposed start-up and three-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures.
- Proposed start-up and three-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue.
- A proposed funding agreement with the School Board including information regarding anticipated local, state and federal per-pupil-amounts to be received and any information pertaining to the maintenance of facilities. In accordance with Va. Code § 22.1-212.14, the per pupil funding provided to the charter school will be negotiated in the charter agreement and will be commensurate with the average school-based costs of educating the students in the existing schools in the division or divisions unless the cost of operating the charter school is less than that average school-based cost. To the extent discussions have been held with the school division, please describe the outcome of those discussions. If there have been no discussions to date, please indicate the reason.

XVIII. Legal Liability and Insurance Coverage

Describe the proposed arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage, including the types of insurance that will be obtained for the public charter school, its property, its employees, the charter school management committee and the School Board and its agents and the levels of insurance sought.

Types of insurance include, but are not limited to,

- general liability;
- health;
- property;
- property and casualty (including vehicle coverage);
- officer and employee liability; and
- workers' compensation.

XIX. Disclosures

Disclose ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and require that the applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of the charter. The following components must be addressed:

- A description of how the applicant and members of the management committee will disclose any ownership or financial interest.
- Information regarding the frequency by which such disclosures will be made during the term of the charter.
- A description of ownership or financial interest of the applicant and/or members of the management committee in the proposed charter school. This includes any relationships that parties may have with vendors performing services at the school.

XX. Waivers

Describe and justify any waiver from School Board policies and state regulations that the charter school requests. The Standards of Quality, and by reference the Standards of Accreditation and Standards of Learning, may not be waived. **Please note that state law only allows waivers of policy and regulation. No waiver of state statutes or federal statutes or regulations is permitted.**

XXI. Discrimination

Assure that the charter school will follow state and federal law prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XXII. Assurance

By signing and submitting this application for a public charter school, the applicant expressly assures the School Board that if the application is approved by the School Board, the school leadership of the public charter school will be retained on contract no later than 60 days prior to the opening date of the school.

XXIII. Signatures

The Applicant hereby certifies that the information and assurances contained within the *Virginia Public Charter School Application* submitted on behalf of the proposed charter school to the Virginia Board of Education and the information contained in this *Public Charter School Application Addendum* is correct.

Name of Authorized Official:

Title:

Signature of Authorized Official:

Date:

Adopted: September 4, 2002
Revised: August 2, 2004
Revised: June 6, 2005
Revised: August 1, 2005
Revised: August 3, 2009
Revised: October 3, 2011
Revised: August 6, 2012
Revised: January 7, 2015
Revised: April 28, 2017

RELATIONS WITH COLLEGES AND UNIVERSITIES

This policy was deleted by NKSB on 4/2/12 per 2/2012
VSBA recommendations.

STUDENT TEACHERS

The New Kent School Board cooperates with accredited colleges and universities to provide opportunities for student teaching in accordance with the following guidelines:

1. The first responsibility of the supervising teacher is the education of the students for whom he is responsible.
2. Student teachers will be under the administrative direction of the principal of the school to which they are assigned.
3. Teachers who serve as supervising teachers will have at least three years of teaching experience, with at least one of those years having been in the school to which the student teacher is assigned.
4. All teachers who serve as supervising teachers will be recommended by the principal of the school to the Superintendent or designee for approval.
5. A class will have no more than one student teacher during the regular school year.
6. No supervising teacher will have a student teacher assigned to him for more than one semester during the regular school year.
7. A principal may reject or terminate any student teacher who has a negative effect on the instruction or welfare of students.
8. Information concerning students may be available to student teachers at the discretion of the supervising teacher and/or principal. Student teachers will respect the confidential nature of information provided.
9. Student teachers will follow all the policies and regulations of the New Kent County School Board that apply to teachers.

Adopted: May 7, 2001
Revised: April 2, 2012

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.: JO Student Records
KN Sex Offender Registry Notification

ADVANCED/ALTERNATIVE COURSES FOR CREDIT

The New Kent School Board has an agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from the community college concurrent with a high school diploma. The agreement will specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

The New Kent School Board may enter into agreements for postsecondary credential, certification or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 of the Code of Virginia that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credentials, certifications or licenses available for such courses.

Beginning in the middle school years, students are counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities include access to at least three Advanced Placement courses or three college-level courses for degree credit. Students taking advantage of such opportunities are not denied participation in school activities for which they are otherwise eligible. Wherever possible, students are encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

- Written approval of the high school principal prior to participation in dual enrollment must be obtained.
- The college must accept the student for admission to the course or courses.
- The course or courses must be given by the college for degree credits (no remedial courses will be accepted).

Adopted: February 1, 1999
Revised: November 5, 2001
Revised: August 6, 2012
Revised: April 28, 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1.
8 VAC 20-131-140.

Cross Ref.: IGBI Advanced Placement Classes and Special Programs
IKF Graduation Requirements

RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES

All New Kent County Public Schools shall be accredited according to standards developed by the Board of Education. The School Board reports the accreditation status of each school in the division annually in a public session of a board meeting.

The School Board will recognize individual schools under the Virginia Index of Performance (VIP) program established by the Board of Education to recognize and reward fully accredited schools that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and other indicators of school and student performance that are aligned with Virginia's goals for public education. The recognition may include public announcements, media releases, and other appropriate recognition.

The School Board may ask the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C. A request for a waiver from state regulations that are not (i) mandated by state or federal law or (ii) designed to promote health or safety will be made by the superintendent and chairman of the School Board on behalf of the School Board. The waiver request will describe how release from state regulations is designed to increase the quality of instruction and improve the achievement of students in the affected school or schools.

The School Board, by the superintendent and chairman of the School Board, may also request that the Board of Education grant waivers of specific requirements in Va. Code § [22.1-253.13:2](#), permitting the School Board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by Va. Code § [22.1-253.13:2](#) and all pupil/teacher ratios and class size maximums set forth in subsection C of Va. Code § [22.1-253.13:2](#) are met. In its request, the School Board will demonstrate that the waivers from specific Standards of Quality staffing standards will increase the quality of instruction and improve the achievement of students in the affected school or schools.

Adopted: September 4, 2002
Revised: August 2, 2004
Revised: July 12, 2010
Revised: August 1, 2011
Reviewed: April 22, 2013 – no changes
Revised: June 17, 2013
Revised: July 18, 2016

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-253, 13:3, 22.1-253.13:9.