

# A History of Charter Schools in Virginia

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## Descriptive Context

### Introduction

A product of education reform efforts in the late 1980s and early 1990s, charter schools may be defined generally as public schools organized and operated by an individual or organization pursuant to a contract or “charter” with a local school board, state, or other public agency, and released from compliance with various education statutes and regulations in exchange for meeting specified performance criteria.<sup>1</sup> Reflecting the concepts of choice, site-based management, and competition in public education, the charter schools concept ideally promoted flexibility and increased autonomy in public school operations that would drive “innovation and reform” and thus improve student achievement.<sup>2</sup> Proponents of charter schools initiatives may laud the opportunity for creativity and flexibility in instruction and operations, while opponents may express fears of “creaming” of stronger students from other public schools.<sup>3</sup>

Federal support for increased school choice—and schools that “serve the public and are accountable to public authority, regardless of who runs them”—was voiced in 1991 in *America 2000*, then-President George H.W. Bush’s national educational strategy. Articulating six national goals for public education, *America 2000* traced its roots to the 1989 President’s Education Summit with Governors, held in Charlottesville, Virginia. Identified within the Summit’s Joint Statement was “a system of accountability that focuses on results, rather than on compliance with rules and regulations,” and “decentralization of authority and decision-making to the school site...”<sup>4</sup>

Congress considered, but did not enact, charter schools legislation in 1992. Subsequently, the concept was also included in *Goals 2000: Educate America Act*,<sup>5</sup> which then-President Clinton signed into law in 1994. Funds provided in the Act might be used for a variety of school improvement efforts, including charter schools.<sup>6</sup> Start-up grants for charter schools were also included in the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA).<sup>7</sup> Further enhancing federal charter school support was the Charter School Expansion Act of 1998.<sup>8</sup>

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<sup>1</sup>Report of the Joint Subcommittee to Study Charter Schools Pursuant to HJR 551 and SJR 334, House Document No. 43 at 2 (1996)[hereinafter referred to as *HD 43*]; see also, National Science Foundation, *Science and Engineering Indicators 2000*, Chapter 5, Elementary and Secondary Education, Schooling and School Choice in the 21st Century [hereinafter referred to as *Indicators 2000*]<http://www.nsf.gov/statistics/seind00/access/c5/c5i.htm> (last modified August 9, 2005).

<sup>2</sup>*HD 43*, *supra* note 1, at 2.

<sup>3</sup>Center for Education Reform, *Charter Schools Today: Changing the Face of American Education—Part I*, Annual Survey of America’s Charter Schools, 2005 Data at 3 (February 2006)[http://www.edreform.com/\\_upload/cer\\_charter\\_survey.pdf](http://www.edreform.com/_upload/cer_charter_survey.pdf)[hereinafter referred to as CER]

<sup>4</sup>United States Department of Education, *America 2000: An Education Strategy—Sourcebook* at 11, 22, 59 (1991).

<sup>5</sup>*HD 43*, *supra* note 1, at 3.

<sup>6</sup>North Central Regional Educational Laboratory, *Summary of Goals 2000: Educate America Act* (1994)<http://www.ncrel.org/sdrs/areas/issues/envrnmnt/stw/sw0goals.htm>; United States Department of Education, Archived Information, *Goals 2000: Educate America Act, October 1996 Update* <<http://www.ed.gov/G2K/g2k-fact.html>>

<sup>7</sup>United States General Accounting Office, *Charter School Start-Up Grant Funds*, GAO/HEHS-98-150R (April 30, 1998)[hereinafter referred to as GAO 1998].

<sup>8</sup>United States Department of Education, Non-Regulatory Guidance, Title V, Part B, Charter Schools Program <<http://www.ed.gov/policy/elsec/guid/cspguidance03.doc>>

The federal No Child Left Behind Act (NCLB), signed by President George W. Bush in 2002 as part of the 2001 ESEA reauthorization, also includes support for charter schools, as parents of children in a public school identified as in need of improvement may enroll their child in a charter school in the school division.<sup>9</sup> Education experts have noted, however, mixed reactions by charter schools to this federal “endorsement,” as charter schools, as public schools, will be subject to the same federal paperwork requirements, reporting, and corrective action initiatives as other public schools.<sup>10</sup> The Act also includes conversion to a charter school among its restructuring options for low-performing public schools; however, this provision alarms those who anticipate falling test scores resulting from an influx of students from struggling schools.<sup>11</sup>

## States Respond

In 1991, Minnesota became the first state to enact charter schools legislation (and became home to the first charter school in 1992).<sup>12</sup> In 1995, nine states housed a total of 134 charter schools.<sup>13</sup> In 1997-98, seven states—Arizona, California, Colorado, Massachusetts, Michigan, Minnesota, and Texas—accounted for 91 percent of all charter schools.<sup>14</sup> By 1998, 1,022 charter schools were in operation in 26 states.<sup>15</sup> In 2005-06, 40 states and the District of Columbia permitted the creation of these special public schools, with 3,617 schools enrolling over 1 million students. The average charter school enrolls about 300 students, and waiting lists are reported at more than half of all charter schools nationwide.

Authority for chartering schools varies, of course, from state to state, depending on a variety of state statutory or constitutional factors. Chartering authority may rest with a local school board, an institution of higher education, a state board of education, or other entity; in some states, multiple entities may issue charters. A 2005 report indicates that states permitting several chartering authorities have 4.5 times as many charter schools as do states restricting approval authority to local boards. Ten states limit chartering authority to one entity, and have no appeals process; only 4 percent of all charter schools find their homes there. In contrast, 96 percent of charter schools are located in “friendlier” states—those allowing multiple chartering authorities and strong appeals processes.<sup>16</sup>

## Charter Schools: A Commonwealth Chronology

Virginia’s charter school statute is arguably the product of a variety of failed predecessors. During the 1994 Session of the General Assembly, a “Commonwealth Charter School” measure, **HB 875** (Van Yahres (D)—receiving bipartisan support—would have authorized the creation of these special public schools, to be operated pursuant to performance-based contracts between the Board of Education

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<sup>9</sup>United States Department of Education, U.S. Department of Education, Archived Information, No Child Left Behind, *The Facts About Supporting Charter Schools* <<http://www.ed.gov/nclb/choice/charter/charters.pdf>> (last modified February 17, 2004).

<sup>10</sup>Education Commission of the States, N. Smith, *Two Years and Counting: Charter Schools and No Child Left Behind* (December 2003)<<http://www.ecs.org/clearinghouse/49/45/4945.htm#NCLB>> [hereinafter referred to as *Two Years*].

<sup>11</sup>Education Commission of the States, *Bringing Life to the School Choice and Restructuring Requirements of NCLB: Closing Low-performing Schools and Reopening Them as Charter Schools: The Role of the State* (2004) < <http://www.ecs.org/clearinghouse/54/25/5425.pdf>>; *Two Years*, *supra* note 7.

<sup>12</sup>Minnesota Office of Revisor of Statutes, 124D.10, Minnesota Statutes 2006; Utah Foundation Research Report, *Challenges Facing Utah Charter Schools at 2* (October 2005) < <http://www.utahfoundation.org/img/pdfs/rr672.pdf>>; Center for Education Reform, *Charter Schools Today: Changing the Face of American Education—Part I, Annual Survey of America’s Charter Schools, 2005 Data at 2* (February 2006). <[http://www.edreform.com/\\_upload/cer\\_charter\\_survey.pdf](http://www.edreform.com/_upload/cer_charter_survey.pdf)>

<sup>13</sup>United States General Accounting Office, *Testimony Before the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate, “Charter Schools: A Growing and Diverse National Reform Movement” at 2* (1995).

<sup>14</sup>GAO 1998, *supra* note 7, at 2, n.2.

<sup>15</sup>*Indicators 2000*, *supra* note 1.

<sup>16</sup>CER, *supra* note 3, at 2, 5, 7. See also, United States General Accounting Office, *Report to the Secretary of Education, “Charter Schools: To Enhance Education’s Monitoring and Research, More Charter School-Level Data Are Needed”* at 7-8 (GAO-05-5)(2005).

and local school boards. Reflecting the then-current emphasis on site-based management for public schools, the measure included, among other things, specific provisions (i) prohibiting the conversion of private schools to Commonwealth Charter Schools; (ii) requiring a two-thirds affirmative vote of licensed school personnel and of parents of at least 30 percent of the students in average daily membership in the relevant school (iii) addressing school improvement plans that include performance-based objectives; (iv) providing for local school board approval of applications and authorizing the Board of Education to review and ultimately approve these schools; and (v) providing for “flexible site-based operation and management.” The House Committee on Education unanimously voted to carry the measure over for the 1995 Session; however, ultimately the Committee took no action and the bill did not resurface in 1995.<sup>17</sup>

Meeting the same fate in 1994-1995 was **HB 1042** (Hamilton (R)), also addressing “Commonwealth Charter Schools.” Although similarly titled, this measure contained very different provisions, including (i) required local school boards receipt and review of charter school applications; (ii) appeals of charter denials to the Board of Education; and (iii) Board of Education comparison of charter school student performance with other public school student performance. The measure was carried over, and never acted upon.<sup>18</sup>

The 1995 Session did, however, hear new measures addressing charter schools. The House Committee on Education failed to report **HB 2535** (Katzen (R)). Distinguishing features included release from compliance with the Standards of Accreditation, waiver of state licensure requirements for instructional and administrative personnel, and delegation of local board authority over personnel matters to the charter school.<sup>19</sup> The measure’s Senate counterpart, **SB 1037** (Bell (R)), was “left” in the Senate Committee on Education and Health.<sup>20</sup> Finally, the House Education Committee did not act on **HB 1625** (Hamilton (R)), a virtual, if not exact, duplicate of 1994’s HB 1042,<sup>21</sup> the Senate version, **SB 562** (Bell (R)), also remained in Senate Education and Health.<sup>22</sup>

But exploration of the charter school concept did receive legislative approval in 1995. Perhaps wearied by the seemingly perennial introduction of disparate charter vehicles, the 1995 Session adopted twin resolutions, **HJR 551** (Councill (D)) and **SJR 334** (Schewel (D)), creating a nine-member joint subcommittee to study charter schools. At that time, 12 states had enacted legislation authorizing these alternative public schools. The subcommittee was specifically charged to examine not only charter school statutes in other states, but specific data regarding the actual operations of charter schools across the country—numbers of students, charter revocations, curricula, and accountability requirements. Also to be explored were funding issues, standard statutory requirements, and Virginia’s unique state constitutional provisions that might affect the development of charter schools legislation in the Commonwealth.<sup>23</sup>

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<sup>17</sup>Legislative Information System, Bill Tracking, HB 875 (1994) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=941&typ=bil&val=hb875>>; Legislative Information System, Bill Tracking, HB 875 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=hb875>>

<sup>18</sup>Legislative Information System, Bill Tracking, HB 1042 (1994) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=941&typ=bil&val=hb1042>>; Legislative Information System, Bill Tracking, HB 1042 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=hb1042>>

<sup>19</sup>Legislative Information System, Bill Tracking, HB 2535 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=hb2535>>

<sup>20</sup>Legislative Information System, Bill Tracking, SB 1037 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=sb1037>>

<sup>21</sup>Legislative Information System, Bill Tracking, HB 1625 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?951+sum+HB1625>>

<sup>22</sup>Legislative Information System, Bill Tracking, SB 562 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=sb1037>>

<sup>23</sup>See generally, *HD 43*, *supra* note 1; Legislative Information System, Bill Tracking, HJR 551(1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=951&typ=bil&val=hj551>>; Legislative Information System, Bill Tracking, SJR 334 (1995) <<http://leg1.state.va.us/cgi-bin/legp504.exe?951+sum+SJ334>>. Interestingly, HJR 551 was passed by a unanimous vote of each chamber, while SJR 334 received a 79-15 vote in the House of Delegates (and a 39-0 vote in the Senate).

Bipartisan in membership, the subcommittee included the chairmen and selected members of the House Committee on Education and the Senate Committee on Education and Health, respectively. Several members also held positions on the House Appropriations and Senate Finance Committees as well.<sup>24</sup> Meeting four times and receiving testimony from Virginia state education officials, division superintendents, national education research organizations, and legislative finance staff, the subcommittee encountered a range of complicated policy questions and concerns.<sup>25</sup> Can—or should—charter schools be released from compliance with the SOQ? The SOL? The SOA?<sup>26</sup> What operational flexibility is already available to Virginia public schools? Will other public schools have access to any “increased” flexibility made available to charter schools?<sup>27</sup> What funding mechanisms can ensure compliance with state constitutional requirements and adequately support a charter school without adversely affecting other public schools?<sup>28</sup> How does the supervisory authority of local school boards affect any delegation of responsibility to a charter school management team? Should appeals of board actions be permitted?<sup>29</sup> Who can apply to operate a charter school?<sup>30</sup>

With two committee members dissenting to the 1996 report,<sup>31</sup> the subcommittee ultimately crafted charter schools legislation--**HB 776** (Councill (D))—based on specific, enumerated parameters:

- **Charter school a public school.** The charter school must be created as a new public school or through the “conversion” of an existing public school. Ostensibly to obviate potential church-state separation concerns, legislation would prohibit the conversion of private schools or nonpublic, home-based instruction to a charter school. Guiding any discussion or analysis of a Virginia charter school bill is indeed this “public school” premise. As a public school, the charter school (i) could not charge tuition, except as may be permitted for non-resident students; (ii) would remain subject to federal and state anti-discrimination laws, court-ordered desegregation plans, and the Standards of Quality; (iii) would be part of the school division and remains accountable to the school board, as is any other public school.<sup>32</sup>
- **Local school board authority.** Local boards, constitutionally vested with “supervisory authority” over public schools, would have the option to authorize charter schools and would announce their intention to receive and review charter applications. Ultimate approval authority would rest with the local board; there would be no appeals process for charter denials. The local board would establish applications review processes, with any “person, group, or organization” eligible to submit a charter application. However, required application contents would be specified in statute. While local boards would have the power to limit the number of charters to be granted, the

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<sup>24</sup> *HD 43, supra*; see also, Legislative Information System, 1995 Session, Standing Committees, House Committee on Appropriations < <http://leg1.state.va.us/cgi-bin/legp504.exe?951+com+H2>>; House Committee on Education <<http://leg1.state.va.us/cgi-bin/legp504.exe?951+com+H9>>; Senate Committee on Finance <<http://leg1.state.va.us/cgi-bin/legp504.exe?951+com+S5>>; Senate Committee on Education and Health <<http://leg1.state.va.us/cgi-bin/legp504.exe?951+com+S4>>. Members of the charter schools committee included Delegate J. Paul Councill, Jr., Chairman, (Chairman, House Education Committee; member House Appropriations Committee; Delegates Phillip A. Hamilton, Linda T. Puller, Anne G. Rhodes, Mitchell van Yahres (Members, House Education Committee); Senator Elliot S. Schewel, vice chairman (Chairman, Senate Committee on Education and Health; member, Senate Committee on Finance); Senator Hunter B. Andrews (chairman, Senate Committee on Finance; member, Senate Committee on Education and Health); Senators R. Edward Houck, Jane H. Woods (members, Senate Committee on Education and Health).

<sup>25</sup> *HD 43, supra* note 1, at 14.

<sup>26</sup> *Id.* at 9-10; 20.

<sup>27</sup> *Id.* at 10-12; 21-22.

<sup>28</sup> *Id.* at 15-16.

<sup>29</sup> *Id.* at 16-18; 20; 21.

<sup>30</sup> *Id.* at 21.

<sup>31</sup> *Id.* at 23. House Democrat Mitchell Van Yahres “disapproved of the report,” stating that magnet and Governor’s Schools may already provide educational options for high-performing students, and that the “charter school concept should be aimed at those students on the lower end of the socioeconomic scale.” Similarly, House Democrat Linda T. Puller found charter schools legislation “unnecessary,” as the “current system of public education has enough flexibility to allow for different types of schools within the system.”

<sup>32</sup> *Id.* at 20, 21. See generally, Va. Code §§ 22.1-5 (2006).

committee recommended capping the number of charters per division to 2 until July 1, 1998, and restricting charter terms to three years. Finally, at least half of a division's charter grants would address at-risk students, with priority given to these proposals.<sup>33</sup>

- **Flexibility and accountability.** Charter applications would include specific requests for waivers from particular state and local regulations; annual evaluations of charter schools would help ensure accountability for performance. Technical assistance from the Department of Education would support those divisions electing to have charter schools. Admissions policies might be crafted to serve specific populations or focus on particular studies; however, compliance with anti-discrimination laws and court-ordered desegregation plans would be required.<sup>34</sup>
- **Funding.** Recognizing the possible economic impact of a charter school—with its potentially smaller enrollments—on other public schools in the division, the joint subcommittee noted that funding should be based on a mechanism similar to that sometimes used for Governor's Schools or alternative education programs. Although particular funding mechanisms might be negotiated in the charter agreement, the arrangement should not create financial incentives or disincentives. The joint subcommittee stated that “no additional requirements...[should be] placed on state or local education funds to support charter schools.”
- **Licensure.** Charter school instructional personnel must hold licenses issued by the Board of Education.<sup>35</sup>

That same year, then-Governor Allen's **Commission on Champion Schools** also advocated the creation of charter schools in Virginia. Supported among the Commission's school choice options, charter schools would “spur innovation and provide the ultimate in accountability.”<sup>36</sup> Touted as “the ultimate expression of trust in local decision making and of confidence in our teachers and administrators” and previously supported by the Commission in its 1994 interim report, charter schools would nonetheless remain accountable to local school boards. The Commission reiterated that a charter school is indeed, however, a public school, and cited the “extremely sensible bill” introduced in the 1995 Session of the General Assembly.<sup>37</sup>

But neither the Commission's support nor the joint subcommittee's report yielded a Virginia charter schools statute in 1996. By a tie vote (11-11), the House Committee on Education, comprised of 12 Democrats and 10 Republicans, failed to report the study's bill, HB 776. Interestingly, the bill's chief patron was a Democrat and chairman not only of the legislative study but also of the House Committee on Education; four Republican House members served as co-patrons—only one of whom was a member of the legislative study. No Senate members had signed as co-patrons. Votes were split on a primarily partisan basis; two Democrats and nine Republicans supported the bill, while 10 Democrats and one Republican voted against the measure.<sup>38</sup> The Committee also failed act at all on another measure (**HB**

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<sup>33</sup> *HD 43, supra* note 1, at 20-22.

<sup>34</sup> *Id.* at 21-22.

<sup>35</sup> *Id.* at 22.

<sup>36</sup> The Governor's Commission on Champion Schools, Final Report to the Governor at 6 (January 1996)[hereinafter referred to as *Champion Schools*].

<sup>37</sup> *Champion Schools, supra*, at 50.

<sup>38</sup> Legislative Information System, Bill Tracking, HB 776 (1996) <<http://leg1.state.va.us/cgi-bin/legp504.exe?961+vot+H09V1239+HB0776>> Delegate Councill was HB 776's chief patron; Delegates Hamilton, Katzen, Nelms, and Rhodes served as co-patrons. Only Delegates Councill and Hamilton were members of the legislative study. Voting for the measure were Delegates Councill (D), Diamonstein (D), Dillard (R), Tata(R), O'Brien(R), Rhodes(R), Wagner(R), Hamilton (R), Griffith (R), Sherwood(R), Landes(R)). Against the measure were Delegates Van Yahres (D), Van Ladingham (D), Cooper (D), Reynolds(D), Bennett (D), Christian (D), Puller (D), Connally (D), Jackson (D), Hull (D), Baker (R).

**1408**)—this one introduced by two Democratic House members—that would have authorized “contract schools for enhanced site-based management,” a measure nearly identical to 1994’s HB 875.<sup>39</sup>

### **The 1998 Session: Virginia Charter Schools Legislation Becomes a Reality**

Two years later, however, the 1998 Session wrote a different ending—or perhaps a prologue—to the Virginia charter schools saga. The fall 1997 elections had featured a Republican sweep of the offices of governor, lieutenant governor, and attorney general, and gave the House of Delegates 49 Republicans, 50 Democrats, and one independent. Republicans already enjoyed a slim majority in the 40-member Senate, with 21 members. “Power-sharing” arrangements in both the Senate and the House had affected committee size, composition, and leadership.<sup>40</sup>

The House Committee on Education, enlarged from 22 to 24 members, was now evenly comprised of 12 Republicans and 12 Democrats and led by a Republican co-chair in 1998.<sup>41</sup> The 15-member Senate Committee on Education and Health, also chaired by a Republican, was comprised of eight Democrats and seven Republicans.<sup>42</sup>

Two identical measures—**HB 543** (Hamilton (R)) and **SB 318** (Barry (R))—passed their respective committees and reached the floor of both chambers. These measures reflected many of the concepts contained in 1996’s HB 776 and priorities enunciated by the legislative study. The House measure carried 30 names—Republicans and Democrats from each chamber; the Senate bill included the names of 17 Senators, again, with representatives of both parties. The 1998 Session ultimately adopted both bills; floor votes generally reflected passage of both bills with about a two-thirds majority vote in the House and with a 70 to 75 percent majority in the Senate.<sup>43</sup>

### **Subsequent Legislative History: Amendments to Virginia’s Charter Schools Statute**

In the nearly 10 years since the adoption of Virginia’s charter schools statute, the General Assembly has adopted modifications of varying detail.

**1999 Session. HB 1577** (Davies (D)) provided that joint schools may include joint regional charter schools, and that the participating school divisions might decide the division to which the school would be assigned for purposes of meeting the cap on the number of charter schools in any one school division.<sup>44</sup>

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<sup>39</sup>Legislative Information System, Bill Tracking, HB 1408, Bill Tracking <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=961&typ=bil&val=hb1408?>> Delegates Van Yahres (also a member of the House Committee on Education) and Crittenden were co-patrons.

<sup>40</sup>*Spectrum*, Virginia Tech, “General Assembly Half Over,” <<http://scholar.lib.vt.edu/vtpubs/spectrum/sp980219/1e.html>>; see also, The Washington Post, “With Virginia Surplus, Everybody Wins” (citing 1998 power-sharing agreements and elections (February 28, 1999) <<http://www.washingtonpost.com/wp-srv/local/longterm/valeg/virginia022899.htm>>; see generally, Legislative Information System, Members of the General Assembly (1998) <<http://leg1.state.va.us/981/mbr/MBR.HTM>>

<sup>41</sup>See generally, Legislative Information System, House Committee on Education, 1996 Session <<http://leg1.state.va.us/cgi-bin/legp504.exe?961+com+H9>>; 1998 Session <<http://leg1.state.va.us/cgi-bin/legp504.exe?981+com+H9>>

<sup>42</sup>See generally, Legislative Information System, Senate Committee on Education and Health, 1996 Session <<http://leg1.state.va.us/cgi-bin/legp504.exe?961+com+H9>>; 1998 Session <<http://leg1.state.va.us/cgi-bin/legp504.exe?981+com+S4>> It is important to note that the 1996 Senate Committee on Education and Health, also comprised of eight Democrats and seven Republicans, did not have an opportunity to vote on charter schools legislation, as HB 776 failed in committee, thus never reaching the Senate.

<sup>43</sup>Legislative Information System, Bill Tracking,, HB 543, (1998) < <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=981&typ=bil&val=hb543>>; Legislative Information System, Bill Tracking,, SB 318 (1998) <<<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=981&typ=bil&val=sb318>> >

<sup>44</sup>Legislative Information System, Bill Tracking,, HB 1577 (1999) < <http://leg1.state.va.us/cgi-bin/legp504.exe?991+ful+CHAP0449>>

## HB 543 and SB 318: Voting History Overview

	<b>HB 543</b>	<b>SB 318</b>
<b>Republican patron(s)</b>	<b>House (21):</b> Hamilton (chief patron), Davis, Devolites, Dillard, Drake, Harris, Katzen, Landes, McClure, McDonnell, Morgan, Nixon, Orrock, Purkey, Reid, Rhodes, Ruff, Rust, Sherwood, Tata, Wardrup <b>Senate (4):</b> Barry, Norment, Williams, Woods	<b>Senate (15):</b> Barry (chief patron), Bolling, Chichester, Hawkins, Martin, Miller, K.G., Newman, Norment, Quayle, Schrock, Stolle, Stosch, Watkins, Williams, Woods
<b>Democratic patron(s)</b>	<b>House (4):</b> Behm, Councill, Diamonstein, Grayson  <b>Senate (1):</b> Saslaw	<b>Senate (2):</b> Colgan, Saslaw
<b>House Committee on Education</b>	Reported, 14-10	Reported w/subst., 13-11
<b>House passage</b>	65-34	65-33
<b>Senate Committee on Ed. &amp; Health</b>	Reported w/subst., 13-1	Reported w/am., 12-3
<b>Senate passage</b>	28-11	28-11
<b>House passage, conf. rpt.</b>	65-27	66-27
<b>Senate passage, conf. rpt.</b>	28-6	30-7
<b>Signed by Governor</b>	5/26/98; no amendments	5/26/98; numerous amendments proposed; rejected by both chambers

Source: Legislative Information System, Bill Tracking, HB 543 (1998) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=981&typ=bil&val=hb543>>; SB 318 (1998) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=981&typ=bil&val=sb318>>

**2000 Session. HB 742** (Rhodes (R)) extended existing authority of school divisions to create joint or regional schools to include the creation of regional, residential charter schools for at-risk pupils (c. 712).<sup>45</sup> **HB 785** (P. Harris (R)) and **SB 411** (Barry (R)), identical bills, clarified that charter schools are public schools, and, as such, are subject to the Standards of Quality (SOQ), the Standards of Learning (SOL), and the Standards of Accreditation (SOA) (Va. Code § 22.1-212.6 B); required school boards to declare, by December 31, 2000, their intention to review or not review charter applications (Va. Code § 22.1-212.9 C); deleted the two-school cap on the number of charters a division could grant before July 1, 2000 (Va. Code § 22.1-11 A); and provided that charter schools whose enrollment is less than 100 and constitutes less than five percent of total enrollment in the grades served would not be reported in fall membership (Va. Code § 22.1-212.14 A; cc. 631, 1028).<sup>46</sup>

**2001 Session. HB 2439** (P. Harris (R)) and **SB 1393** (Newman (R)) replaced the by-then-outdated December 31, 2000 public notice requirement with the directive that a school division simply provide public notice of its intent to accept or not accept charter applications, and that it might later alter its publicized decision (Va. Code § 22.1-212.9 C; cc.469, 438).<sup>47</sup>

**2002 Session. HB 734** (Sears (R)) specified that an institution of higher education may submit a charter school application and clarified that charter school students would be required to take the SOL assessments (Va. Code § 22.1-212.8 A); clarified that immunity for charter schools is commensurate with that granted to any other public school (Va. Code § 22.1-212.16); and required school boards to report to the State Board of Education not only grants but also denials of charter applications (Va. Code §§ 22.1-212.11 A, B; 22.1-212.15) (c. 874).<sup>48</sup> **HB 1321** (Christian (D)) would have provided for judicial review of

<sup>45</sup>Legislative Information System, Bill Tracking,, HB 742 (2000) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=001&typ=bil&val=hb742>>

<sup>46</sup>Legislative Information System, Bill Tracking,, HB 785 (2000) < <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=001&typ=bil&val=hb785>>; SB 411 (2000) < <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=001&typ=bil&val=sb411>>

<sup>47</sup>Legislative Information System, Bill Tracking,, HB 2439 (2001) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=011&typ=bil&val=hb2439>>; SB 1393 (2001) < <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=011&typ=bil&val=sb1393>>

<sup>48</sup>Legislative Information System, Bill Tracking,, HB 734 (2002) <<http://leg1.state.va.us/cgi-bin/legp504.exe?021+sum+HB734>>

charter grants, denials, revocations, and nonrenewals, as well as school board decisions not to receive applications. Although “incorporated” in HB 734, these provisions did not appear in HB 734 as finally enacted.<sup>49</sup>

Also adopted in 2002, **SB 625** (Barry (R)), like **HB 734**, specified that an institution of higher education may submit a charter school application (Va. Code § 22.1-212.8 A) and required school boards to report to the not only charter grants but denials (Va. Code § 22.1-212.11 A, B). The Senate measure, however, also required all school boards to receive and review charter applications (deleting the notice-of-intent requirement) (Va. Code § 22.1-212.9 A, C) and deleted the 2000 revision exempting smaller charter schools from fall membership reporting for funding purposes (Va. Code § 22.1-212.14 A) (c. 851).<sup>50</sup>

**2004 Session. HB 380** (Lingamfelter (R)), described as the “Charter School Excellence and Accountability Act,” included a July 1, 2009 sunset provision its amendments, which revised the State and Local Government Conflicts of Interests Act to allow charter school governing bodies, administrators, and other personnel to have an ownership or financial interest in public charter school facilities, upon disclosure of the interest in the charter school application (Va. Code §§ 2.2-3109 C 6; 22.1-212.8 B 15); expanded charter schools contractual authority to include private colleges and universities and added facilities construction to the scope of this contractual authority (Va. Code § 22.1-212.6 C); and added evidence of resident support to the constituencies whose support may be included in a charter application (Va. Code § 22.1-212.8 B 3).

In addition, this measure authorized applicants to seek Board of Education review and comment on a proposed charter application, and required the inclusion of any Board findings in the proposed charter agreement (Va. Code §§ 22.1-212.8 C; 22.1-212.9 C); eliminated local board authority to limit the number of charter schools, deleted the statutory cap, and removed the requirement that half of a division’s charter schools benefit at-risk pupils, while requiring priority consideration for applications addressing these students and those in schools that are not fully accredited (Va. Code §§ 22.1-211 A); required local boards to reasons for any charter denial to the State Board, which, in turn, was to convey annually to the General Assembly the number of charter grants and denials, and reasons for any denials (Va. Code § 22.1-212.11 B) (c. 530). The bill incorporated portions of **HB 845** (Baskerville (D)), with the exception of the latter bill’s creation of a charter schools assistance fund.<sup>51</sup>

In response to the Board review provisions of HB 380, the Board of Education adopted a review process and criteria for charter school applications at its July 1, 2004, meeting. The process includes review by a Board committee, with emphasis on “feasibility, curriculum, and financial soundness.”<sup>52</sup>

**2005 Session. HB 2697** (Scott (D)), a seemingly unrelated measure amending addressing various church incorporation and related statutes, included technical amendments to the charter schools provisions, deleting “nonsectarian” in favor of the term “nonreligious” (Va. Code §§ 22.1-212.5 B; 22.1-212.8 B (c. 928)).<sup>53</sup>

**2006 Session.** The House Education Committee considered, and carried over, **HB 223** (D. Jones, (D)), which would have created College Partnership Laboratory Schools, “established” by a public

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<sup>49</sup>Legislative Information System, Bill Tracking,, HB 1321(2002) <<http://leg1.state.va.us/cgi-bin/legp504.exe?021+sum+HB1321>>

<sup>50</sup>Legislative Information System, Bill Tracking,, SB 625 (2002) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=021&typ=bil&val=sb625>>

<sup>51</sup>Legislative Information System, Bill Tracking,, HB 380 (2004) < <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=bil&val=hb380>> HB 845 (2004) <<http://leg1.state.va.us/cgi-bin/legp504.exe?041+sum+HB845>>

<sup>52</sup>Virginia Board of Education, Minutes, February 23, 2000 <[http://www.doe.virginia.gov/VDOE/VA\\_Board/Meetings/2005/feb23min.pdf](http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2005/feb23min.pdf)>; see also, Superintendent’s Memo No. 152, July 30, 2004 <<http://www.pen.k12.va.us/VDOE/suptsmemos/2004/inf152.html>>; Attachment A to Informational Memo No. 152 <<http://www.pen.k12.va.us/VDOE/suptsmemos/2004/inf152a.pdf>>

<sup>53</sup>Legislative Information System, Bill Tracking, HB 2697 (2005) <<http://leg1.state.va.us/cgi-bin/legp504.exe?051+sum+HB2697>>



or private Virginia institution of higher education. As a practical matter, however, these special charter schools would be created not by a college or university, but approved not by the State Board of Education, rather than the local school board, upon application by the relevant institution of higher education. Interestingly, the college laboratory school agreement with the Board would reflect any releases from state—and local—regulations. This practice would contrast with the current charter statute, in which the charter school seeks releases from local policies through the local school board, and the local board, in turn, forwards requests for waivers from state requirements to the State Board.<sup>54</sup>

### **The Issue in Practice in the Commonwealth**

The first charter school in the Commonwealth, Victory Academy, serving grades eight and nine in Gloucester County, was created by “conversion” in January, 2000. By 2002, eight school divisions had approved eight charter schools. In academic year 2002-3, 685 charter school students were enrolled in grades three through 12. Only one school had sought—and received—a waiver; that school operated as a year-round school. That same academic year witnessed the denial of four new charter applications (one each in the Cities of Alexandria, Norfolk, and Richmond, and one in Prince William County); no new applications were approved. According to the required annual report of the Board of Education, the eight schools focused on at-risk students; the report stated that “some progress has been reported in improving academic achievement, average daily attendance, parental and community involvement, and decreasing the number of dropouts.”<sup>55</sup>

One year later, in academic year 2003-04, seven charter schools enrolled 745 at-risk students; 90 percent of charter school students were in grades 9-12. Again, no new charters were approved; however, three applications were denied (Fairfax County; Prince William County; Norfolk). The 2004 Board of Education evaluative report indicated an average pupil-teacher ratio of 10:1 and improved student performance based on SOL test data. No comparative data existed for charter school and other public school students. No charter schools requested waivers in 2003-04.<sup>56</sup>

Academic year 2004-05 witnessed yet another reduction in Virginia charter schools, with only five schools enrolling 555 students. Again, no charter applications were approved; however, no applications were denied. Pupil-teacher ratios were even smaller, at 8.4-to-1, perhaps attributable, in part, to the historically higher dropout rate in charter schools. Two charter schools, Murray High School (Albemarle County) and York River Academy (York County) achieved full accreditation. The Board of Education reported that Murray High School SOL test scores, over a three-year period, “compared favorably with, or exceeded, overall division and Virginia SOL test results...” One school, Hampton Harbour Academy, applied for and was granted a waiver; the Academy sought to open before Labor Day.<sup>57</sup>

The Board’s 2006 report indicated, for the third consecutive year, a reduction in the number of charter schools in the Commonwealth; three schools served 231 at-risk pupils. No applications were approved or denied in the 2005-06 academic year.<sup>58</sup>

The Board’s annual reports, statutorily required to address charter school progress toward stated goals, waivers, and charter applications and denials, offer no direct insight into the declining number of

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<sup>54</sup>Legislative Information System, Bill Tracking, HB 223 (2006) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=061&typ=bil&val=hb223>>; see also, Va. Code § 22.1-212.7 (2006).

<sup>55</sup>Virginia Board of Education, 2003 Annual Report, Public Charter Schools in the Commonwealth of Virginia (December 1, 2003).

<sup>56</sup>Virginia Board of Education, 2004 Annual Report, Public Charter Schools in the Commonwealth of Virginia (October 28, 2004).

<sup>57</sup>Virginia Board of Education, 2005 Annual Report, Public Charter Schools in the Commonwealth of Virginia (September 21, 2005)[hereinafter referred to as 2005 Report].

<sup>58</sup>Virginia Board of Education, 2006 Annual Report, Public Charter Schools in the Commonwealth of Virginia (July 26, 2006).

charter schools—and, more specifically—charter applicants. Virginia’s closing charter schools have indicated, however, “insufficient funds” as a reason for closure.<sup>59</sup>

More recently, in August, 2006, the Loudoun County School Board denied a charter school application, citing, among other things, the application’s failure to address the Standards of Learning and to document adequate funding.<sup>60</sup>

### Virginia Charter Schools: Opening and Closing

Charter School	Created/Opened	2003 Report	2004 Report	2005 Report	2006 Report
Victory Academy Gloucester Co.	1/2000 Converted	Open Grades 8-9 Enrollment: 44	Open Grades 7-8 Enrollment: 42	Closed	Closed
Blue Ridge Technical Academy Roanoke City	9/2000 New school	Open Grades 10-12 Enrollment: 31	Open Grades 9-12 Enrollment: 85	Open Grades 9-12 Enrollment: 96	Closed
Murray H.S. Albemarle Co.	2/2001 Converted	Open Grades 9-12 Enrollment: 94	Open Grades 9-12 Enrollment: 98	Open Grades 9-12 Enrollment: 95	Open Grades 9-12 Enrollment: 111
Hampton Harbour Academy Hampton City	4/2001 Converted from alternative school	Open Grades 3-12 Enrollment: 196	Open Grades 3-12 Enrollment: 159	Open Grades 3-8 Enrollment: 130	Open Grades 6-8 Enrollment: 84
New Opportunity for Winning Franklin Co.	8/2001 New school	Open Grade 7 Enrollment: 25	Closed in fall 2003 (insufficient funds)	Closed	Closed
New Directions Academy Greene Co.	9/2001 Combined 2 alternative schools	Open Grades 6-12 Enrollment: 24	Open Grades 6-12 Enrollment: 24	Closed	Closed
Chesterfield Community H.S. Chesterfield Co.	10/2001 Converted	Open Grades 9-12 Enrollment: 250	Open Grades 9-12 Enrollment: 298	Open Grades 9-12 Enrollment: 295	Closed
York River Academy York Co.	9/2002 New school	Open Grades 9-10 Enrollment: 21	Open Grades 9-10 Enrollment: 39	Open Grades 9-10 Enrollment: 39	Open Grades 9-10 Enrollment: 36

Sources: Virginia Board of Education, 2003 Annual Report, Public Charter Schools in the Commonwealth of Virginia (December 1, 2003); 2004 Annual Report, Public Charter Schools in the Commonwealth of Virginia (October 28, 2004); 2005 Annual Report, Public Charter Schools in the Commonwealth of Virginia (September 21, 2005); 2006 Annual Report, Public Charter Schools in the Commonwealth of Virginia (July 26, 2006).

**Budget and grant activity.** Virginia’s 1998-2000 biennial budget included \$2.5 million in federal funds in each year for charter schools--“contingent upon passage of charter school legislation in the 1998 Session of the General Assembly.”<sup>61</sup> This amount has appeared in subsequent appropriation acts, with the exception of the 2006-08 biennial budget.<sup>62</sup>

While the U.S. Department of Education (USDOE) declined to award federal charter school grant funds to the Virginia Department of Education (VDOE) in October, 1998,<sup>63</sup> a different result was realized only months later. In May, 1999, the Virginia Department of Education (VDOE) applied for, and received, a three-year federal Public Charter School Program grant to support charter school development and planning.<sup>64</sup> During that grant period, Virginia’s first eight charter schools were opened. In April 2003,

<sup>59</sup>2005 Report, supra note 53, at 3. Chesterfield Community High School, however, cited a need for increased admissions flexibility.

<sup>60</sup>Loudoun Times-Mirror, TimesCommunity.com, “Charter School Nixed” (August 9, 2006) < [http://www.timescommunity.com/site/tab1.cfm?newsid=17029987&BRD=2553&PAG=461&dept\\_id=506035&rfi=6](http://www.timescommunity.com/site/tab1.cfm?newsid=17029987&BRD=2553&PAG=461&dept_id=506035&rfi=6)>

<sup>61</sup>1998-2000 biennial budget, Item 141 F <<http://leg1.state.va.us/cgi-bin/legp504.exe?991+bud+21-141>>

<sup>62</sup>2000-02 biennial budget, Item 146 E < <http://leg1.state.va.us/cgi-bin/legp504.exe?021+bud+B1-146>>; 2002-04 biennial budget, Item 150 E <<http://leg1.state.va.us/cgi-bin/legp504.exe?021+bud+21-150>>; 2004-06 biennial budget, Item 149 E < <http://leg1.state.va.us/cgi-bin/legp504.exe?042+bud+21-149>>.

<sup>63</sup>Virginia Board of Education, Minutes, October 28, 1998 < [http://www.doe.virginia.gov/VDOE/VA\\_Board/bd-mtd-updt/mtg10-2898.pdf](http://www.doe.virginia.gov/VDOE/VA_Board/bd-mtd-updt/mtg10-2898.pdf)>

<sup>64</sup>Virginia Board of Education, Minutes, September 23, 1999 <[http://www.doe.virginia.gov/VDOE/VA\\_Board/Meetings/1999/sep.pdf](http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/1999/sep.pdf)>

VDOE again applied for federal charter school funds; this application, however, was unsuccessful, as the U.S. Department of Education (USDOE) described the Commonwealth's statute as "being narrow in scope and not providing much flexibility." Citing potential legislative changes posed by HB 380, the VDOE submitted a revised application to USDOE in February 2004.<sup>65</sup>

Providing potential encouragement for the creation of new charter schools in Virginia are three U.S. Department of Education charter school grants, awarded in July 2005 to support proposed charter schools in Charlottesville, Richmond, and Norfolk. The Board's July 2006 report cautioned, however, that while the schools were slated for a 2006-07 school year, no school board had approved a proposal.<sup>66</sup>

## **CEPI Summary**

### **The Statute Today**

As the 2007 Session begins, Virginia's charter schools statute continues to reflect many of the basic priorities articulated by the 1995-96 joint subcommittee. Charter schools are clearly public schools; they are, by definition, public, nonreligious, and non-home-based schools. They remain subject to the Standards of Quality, the Standards of Learning, and the Standards of Accreditation. Like other public schools, they cannot charge tuition.<sup>67</sup> While charter agreements may include specific funding specifications as may be consistent with state constitutional requirements, like other public schools, charter schools are funded by the state and the locality.<sup>68</sup> Consistent with the constitutional provisions and judicial precedent cited by the joint subcommittee study, the local school board remains the employer of charter school personnel.<sup>69</sup> Instructional personnel must be licensed; charter school employees and volunteers enjoy the same immunity granted to their counterparts in other public schools.<sup>70</sup>

Admission is open to "any child" residing in the relevant school division through a lottery process; waiting lists are required should space be inadequate.<sup>71</sup> In reviewing charter applications, however, school divisions are to give priority consideration to those proposals addressing at-risk pupils. The statute also requires that at least one-half of a division's charter schools address this population.<sup>72</sup> Charter terms may not exceed five years.<sup>73</sup>

Charter school management rests with a team comprised of the charter school's parents, teachers, and administrators, and "representatives of any community sponsors," as may be set forth in the charter agreement.<sup>74</sup> Charter applications—and agreements—must include specific items, such as a mission statement and goals; evidence of public support; enrollment processes; description of the educational program; and evidence that the proposal is fiscally sound.<sup>75</sup>

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<sup>65</sup>Virginia Board of Education, Minutes, February 24, 2004 <[http://www.doe.virginia.gov/VDOE/VA\\_Board/Meetings/2004/feb25min.pdf](http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2004/feb25min.pdf)>

<sup>66</sup>*Id.* at 3. See also, Richmond Times-Dispatch, "Virginia Isn't A Charter Magnet-- It has three one-of-a-kind schools, and laws don't welcome national groups" (February 19, 2006) < <http://www.timesdispatch.com/servlet/Satellite?pagename=Common%2FMGArticle%2FPrintVersion&c=MGArticle&cid=1137834195233&image=timesdispatch80x60.gif&oasDN=timesdispatch.com&oasPN=%21news>> [hereinafter referred to as Magnet].

<sup>67</sup>Va. Code §§ 22.1-212.5 B; 22.1-212.6 B, E (2006). A potential "gap" in the statute may appear in § 22.1-212.6 E, which prohibits charter schools from charging tuition, while public schools generally may only charge tuition to nonresidents, overage students, and others, as specified in Va. Code § 22.1-5.

<sup>68</sup>Va. Code §§ 22.1-212.14 (2006).

<sup>69</sup>Va. Code § 22.1-212.13 (2006); see also, HD 43, *supra* note 1, discussing state constitutional provisions and judicial precedent addressing the delegation of employment authority by school boards.

<sup>70</sup>Va. Code §§ 22.1-212.13; 22.1-212.16 (2006).

<sup>71</sup>Va. Code §§ 22.1-212.6 A (2006).

<sup>72</sup>Va. Code §§ 22.1-212.11 A (2006).

<sup>73</sup>Va. Code § 22.1-212.12 A (2006).

<sup>74</sup>Va. Code § 22.1-212.6 B (2006).

<sup>75</sup>Va. Code § 22.1-212.8 (2006).

Veering from the “local option” preferred by the study committee and in the initial statute, however, local school boards today must receive and review charter school applications. While the local school board retains ultimate authority for the grant of charter applications, applicants are permitted to submit their proposals to the Board of Education for review and comment.<sup>76</sup> Appeals for charter grants, denials, revocations, and nonrenewals are specifically precluded in the statute. A school board may simply decline to renew a charter, and may revoke the charter upon agreement or legal violations, poor progress, failed fiscal management, and if the board determines “in its discretion, that it is not in the public interest or for the welfare of the students...to continue the operation....” if it Annual reporting of grants and denials (and, in the latter case, the reasons therefor), however, may help ensure a degree of accountability for school board actions.<sup>77</sup> Annual evaluations of charter school also ensure accountability for school and student performance.<sup>78</sup>

## Recent Developments

Described as “restrictive” by charter school proponents,<sup>79</sup> Virginia’s charter statute continues to undergo scrutiny. Education experts note that charter schools may provide a viable alternative for school divisions that continue to struggle with state accreditation standards.<sup>80</sup> In 2004, the Center for Education Reform rated the Commonwealth’s charter schools as among the nation’s 15 “weak” charter statutes (26 statutes were deemed “strong”), and awarded it—and five other states—a “D” based on various statutory components. Among those provisions that “strengthen” a charter statute—and absent from Virginia’s law, arguably for some legal as well as political reasons—are (i) multiple chartering authorities; (ii) charter school fiscal autonomy; and (iii) automatic waivers from all or nearly all state and local school laws and regulations.<sup>81</sup>

The 2007 Session of the General Assembly will consider **HB 2509** (D. Jones (D)), a re-creation of that delegate’s 2006 HB 223. Again, “college partnership laboratory schools” would operate similarly to a charter school, but would be authorized by the Board of Education. Assigned to the House Committee on Education subcommittee on Teachers and Administrative Action, the measure was not acted upon by full committee.<sup>82</sup> Echoing this concept is **HB 2311** (Lingamfelter (R)), a measure that would also allow the Board of Education to approve charter school applications submitted by Virginia public institutions of higher education. This measure, too, had been assigned to the House Committee on Education subcommittee on Teachers and Administrative Action, but underwent significant changes before passage ultimate passage by the full committee (18-1), the House of Delegates (90-8), the Senate Committee on Education and Health (15-0), and the Senate (39-0). In its final form, and, as of February 20, 2007, awaiting formal signature by the Speaker of House and the President of the Senate and communication to the Governor, the measure simply creates the Public Charter School Fund “for the purposes of establishing or supporting public charter schools in the Commonwealth that stimulate the development of alternative public education programs.” Board of Education criteria will govern fund distributions.<sup>83</sup>

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<sup>76</sup>Va. Code § 22.1-212.9 A, C (2006).

<sup>77</sup>Va. Code §§ 22.1-212.10; 22.1-212.11; 22.1-212.12 (2006). While § 22.1-212.10 specifically precludes appeals of charter decisions, parents of students attending a public school who are “aggrieved” by a school board decision may seek judicial review of the board’s action pursuant to Va. Code § 22.1-87.

<sup>78</sup>Va. Code § 22.1-212.15 (2006).

<sup>79</sup>Magnet, *supra* note 47.

<sup>80</sup>Lexington Institute, D. Soifer, *Issue Brief*, University Charter Schools Could Improve Virginia’s Public Education (October 16, 2006) < [http://lexingtoninstitute.org/printer\\_1002.shtml](http://lexingtoninstitute.org/printer_1002.shtml)>

<sup>81</sup>The Center for Education Reform, *Charter School Laws Across the States: Ranking and Scorecard*, 8th Edition, Strong Laws Produce Better Results--*Special Report* (2004)< [http://www.charterschoolpolicy.org/publications/charter\\_school\\_laws.pdf](http://www.charterschoolpolicy.org/publications/charter_school_laws.pdf)>.

<sup>82</sup>Legislative Information System, Bill Tracking, HB 2509 (2007) <<http://leg1.state.va.us/cgi-bin/legp504.exe?ses=071&typ=bil&val=hb2509>>

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