
VIRGINIA STATE BUDGET

2014 Special Session I

Budget Bill - HB5002 (Substitute)

Bill Order » Office of Education » Item 138

Opportunity Educational Institution

Item 138	First Year - FY2015	Second Year - FY2016
Instructional Services (18100)	\$600,059	\$600,059
Public Education Instructional Services (18101)	\$600,059	\$600,059
Fund Sources:		
General	\$600,059	\$600,059

Authority: Title 22.1, Chapter 4.1, Code of Virginia

A.1. The Opportunity Educational Institution shall provide an appropriate education for children attending any public elementary or secondary school that has been transferred to the Institution pursuant to § 22.1-27.2, Code of Virginia. The Institution shall be administered and supervised by the Opportunity Educational Institution Board, as established in § 22.1-27.1, Code of Virginia. The Board, in administering and supervising the Institution, shall be vested with all of the powers and duties of a local school board that are set forth in the Constitution of Virginia and Code of Virginia. The accounts of the Opportunity Educational Institution shall be audited annually by the Auditor of Public Accounts, or his legally authorized representative.

2. Any school that has been denied accreditation for the previous two school years shall be transferred to the Opportunity Educational Institution. Supervision of any school that has been accredited with warning for three consecutive years may be transferred to the Opportunity Educational Institution following a majority vote by the Board to transfer.

3. The Board shall supervise and operate schools in the Opportunity Educational Institution in whatever manner that it determines to be most likely to achieve full accreditation for each school in the Institution, including the utilization of charter schools and college partnership laboratory schools.

4. Each school transferred to the Opportunity Educational Institution shall be eligible to return to the local school division upon achieving full accreditation.

5. At the end of each school year, the Board shall make a report to the Governor and the General Assembly and the resident local school division setting forth the status of each school in the Institution, the nature of its faculty and administration, the size of its student body, its organizational and management structure, and the levels of improvement in student academic performance.

6. No later than six months prior to the expiration of a school's fifth year in the Institution, the Board shall decide whether to retain the school in the Institution for a specified number of additional school years or transfer the school back to its previous local school division.

7. State, federal, and required local matching funds provided to school divisions pursuant to this act shall be transferred to the Institution as prescribed in this Item if students in a school under the supervision of the Institution would otherwise be eligible for the funding if they remained in a school under the supervision of the

local school division of residence.

8. Each student enrolled in a school under the supervision of the Institution shall have his proportionate state, local, and federal shares of per pupil funding transferred from the local school division of residence to the Institution. The proportional share of such per pupil funding transferred shall consist of (i) any state-funded accounts paid on the basis of student enrollment, including fall membership, March 31 average daily membership, and school-aged population; (ii) the proportionate share of any applicable federal aid programs allocated for students and teachers in the Institution, including, but shall not be limited to, Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1400 et seq.), Title I of the No Child Left Behind Act of 2001 (20 U.S.C. § 6301 et seq.), and the Teacher Training Grant Program pursuant to part A of Title II of the No Child Left Behind Act of 2001 (20 U.S.C. § 6301 et seq.); (iii) the proportionate share of state monies that are allocated under other applicable Direct Aid to Public Education programs and that are not included in subpart (i) of this subsection; (iv) the per pupil required local effort for the Standards of Quality programs; (v) the per pupil required local match for any optional direct aid programs in which the local school division of residence participates that are applicable to the enrollment of the Institution; and (vi) any other proportionate share of local funding not included in subparts (iv) and (v) of this subsection that would otherwise be provided for such students enrolled in the school if the school had remained under the supervision of the local school board. Except for a reasonable portion that may be necessary for the administration of the Institution, subject to the limits contained in this paragraph, local funds specified in subparts (iv) through (vi) shall only be used for schools under the supervision of the Institution that were formerly under the supervision of the local school division from which such funds were derived or expended by the Institution in a manner that such schools receive a proportional benefit when such local funds are expended to benefit multiple schools under the supervision of the Institution. The annual operating budget for the Institution shall be proportioned in a manner that dedicates no less than 65 percent of total funding for instructional costs and no more than 35 percent for non-instructional costs, including administration of the Institution. The methodology for allocating each school division's expenditures to instructional and non-instructional costs shall be consistent with the funding of the Standards of Quality as approved by the General Assembly. If, for any reason, the Institution desires to exceed 35 percent of funding for non-instructional costs, it must be granted approval by the Board. The Governor and the Chairmen of the House Appropriations and Senate Finance Committees shall be notified immediately of such approval by the Board.

9. In addition to the funds authorized in paragraph A.8 and any funds otherwise appropriated in this act for the operation of the Institution or the schools under its supervision, the Institution is authorized to receive and expend any gifts, grants, bequests, or donations, including interest thereon, from private sources solely for the purpose of operating the Institution or the schools under its supervision.

10. The Institution and the local school division of residence shall take all actions necessary to facilitate transfer of funding as prescribed in paragraphs A.7. and A.8 on a schedule that is sufficient for the operation of the Institution. For any school under the supervision of the Institution, the Institution shall certify to the applicable local school division of residence the enrollment of any such school on a schedule that is sufficient for the timely transfer of such payments. The Institution shall also be responsible for submitting to the resident school division any data necessary to meet any local, state, and federal reporting requirements.

11. Students enrolled in a school under the supervision of the Institution shall be included in all applicable enrollment counts of the local school division of residence. Such students shall be counted in the required local effort of Standards of Quality programs and any required local match for optional programs applicable to the local school division of residence.