

CHARTER AGREEMENT

THIS CHARTER AGREEMENT made and entered into this 15th day of August 2008, by and between **SCHOOL BOARD OF THE CITY OF RICHMOND, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, having its principal place of business at 301 North Ninth Street, Richmond, Virginia 23219, acting by and through its authorized representative (hereinafter referred to as the "School Board"), and **THE PATRICK HENRY SCHOOL OF SCIENCE AND ARTS**, a Virginia non-stock corporation with a pending application for 501(c)(3) status, having its principal place of business at 3411 Semmes Avenue, Richmond, Virginia 23225, (hereinafter called "PHSSA"), and collectively referred to as "The Parties" in this Charter Agreement (the "Charter Agreement").

ACKNOWLEDGEMENTS

WHEREAS, the School Board is the governing body of the Richmond Public School Division ("School Division") and is charged with the duty and authorized to supervise all matters pertaining to the public schools within the City of Richmond, Virginia; and

WHEREAS, the Virginia General Assembly has enacted Article 1.2 of Title 22.1 of the Virginia Code authorizing local school boards to establish charter schools; and

WHEREAS, the School Board is committed to offering and supporting educational systems designed to provide success for every Richmond City Public Schools student delivered through a variety of innovative programs designed to meet the needs of a diverse student body; and

WHEREAS, the School Board recognizes that PHSSA is offering such an innovative elementary school educational program with a Standards of Learning-based academically rigorous science and arts curriculum that emphasizes environmental awareness and social responsibility made possible under the Virginia Charter School law, which provides for a waiver of various restrictive regulations; and

WHEREAS, PHSSA submitted a charter school application as authorized by Virginia Code § 22.1-212.6, et seq. and School Board Policy 8.56 (and Appendix H, thereto) to the School Board to establish a public charter school to be called the Patrick Henry Charter School for Science and Art (hereinafter referred to as "PHSSA"); and

WHEREAS, pursuant to state law, the School Board is authorized to approve and issue a charter to establish and operate a charter school; and

WHEREAS, at a duly convened public meeting on May 19, 2008, the School Board approved the PHSSA charter school application (hereinafter referred to as the "Charter"), subject to certain conditions and the formation of a contract as required by state law, to open the PHSSA;

NOW, THEREFORE, in consideration of the promises and mutual covenants and understandings of each of the parties, the parties hereby covenant and agree as follows:

ARTICLE I - ESTABLISHMENT OF SCHOOL AND CHARTER

A. **Charter:** The School Board hereby authorizes and grants to PHSSA a Charter, which shall operate on behalf of and solely for the benefit of PHSSA. The Charter authorizes PHSSA to establish, organize and operate a charter school in accordance with Article 1.2 of Title 22.1 of the Code of Virginia, the policies and procedures of the School Board, including but not limited to School Board Policy 8.56, as amended from time-to-time hereafter, and the terms and conditions of this Charter Agreement, as set forth herein.



B. **Term:** The initial term of the Charter shall be for three academic years, beginning with the 2009-10 academic year (with the corresponding July 1, 2009 – June 30, 2010 fiscal year) and ending at the conclusion of the 2011-12 academic year (June 30, 2012).

C. **Renewal:** No later than by January 15, 2012, PHSSA may submit a written request compliant with School Board Policy 8.56(K), as amended from time-to-time hereafter, for the renewal of the Charter Agreement to the School Board. The School Board will decide whether to renew and extend the terms of the initial Charter Agreement by no later than March 15, 2012. The decision whether to renew and extend the terms of the initial Charter shall be at the sole discretion of the School Board, and such decision shall not be subject to appeal.

D. **Probation:** In addition to the authority conferred to the School Board to revoke the Charter by Article 1, paragraph E below, the School Board reserves the right to place PHSSA on probation during the initial Term or any subsequent terms for any reasons that would justify revocation. The School Board shall provide PHSSA with written notice of specific deficiencies identified by the School Board which form the basis for its decision to place PHSSA on probation. PHSSA shall have thirty (30) days from notice of its probationary status to develop and submit a written remedial plan to the School Board, such plan to include improvement benchmarks targeted at remediation of the specified deficiencies within ninety (90) days of approval of the remedial plan by the School Board. The School Board will respond to the remediation plan within thirty (30) days. Approval of the remediation plan is within