

**Legislative Priority # 2: The City of Norfolk strongly opposes the enactment of the Opportunity Education Institute. (Council Priorities: *Economic Vitality and Workforce Development; and Well-Managed Government*).**

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Beginning with the 2014-14 school year, the state Opportunity Educational Institution (OEI), a statewide school division, will take over the operation of identified local public school that have been denied accreditation. OEI is patterned after similar school takeover initiatives in both Louisiana and Tennessee. The OEI will be governed by four legislators appointed by the General Assembly and five citizens plus OEI's executive director being appointed by the Governor.

Under the provisions of this legislation, beginning fall 2014, the OEI shall take over any Virginia public school denied accreditation (Virginia Code 22.1-27.2(B)). The OEI Board may elect to transfer schools that are accredited with warning for three consecutive years. However there are no provisions governing what happens should the schools under the OEI continue to be low-performing.

OEI legislation specifies that all applicable state and local education funding associated with a student in a school operated by OEI will be transferred to OEI. This includes local discretionary or "aspirational" funding that exceeds the required local share with no guarantees these dollars would be spent on local students. The legislation also further states that the OEI will have the right to use any school building and all facilities and property of the school. OEI would be responsible for routine maintenance but the locality "shall" provide "extensive repairs."

There are significant constitutional questions regarding the legality of the creation and operation of a statewide school board as proposed. The Norfolk School Board has challenged the constitutionality of OEI and filed a complaint in Norfolk Circuit Court that will likely be heard by the Virginia Supreme Court. Virginia Attorney General Ken Cuccinelli has also stated publicly that he does not believe OEI is constitutional.

The Norfolk City Council feels OEI is unconstitutional and requests the General Assembly to repeal its enabling legislation. However, if repeal of OEI is not possible, the Norfolk City Council then requests the General Assembly to delay its enactment for one year so the highly anticipated Joint Legislative Audit and Review Report on Best Practices for Virginia's Lower Performing Schools can be considered (scheduled to be released June 2014).