

2010 -- H 7867 SUBSTITUTE A AS AMENDED

LC02100/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION

Introduced By: Representatives Silva, Gablinske, and Vaudreuil

Date Introduced: March 04, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77-1 of the General Laws in Chapter 16-77 entitled
2 "Establishment of Charter Public Schools" is hereby amended to read as follows:

3 **16-77-1. Short title.** -- ~~This chapter~~ Chapters 16-77, 16-77.1, 16-77.2, 16-77.3, and 16-
4 77.4 of the general laws shall be known and may be cited collectively as the "Charter Public
5 School Act of Rhode Island" or as the "Act".

6 SECTION 2. Sections 16-77-2, 16-77-3, 16-77-4, 16-77-4.1, 16-77-4.2, 16-77-5, 16-77-
7 6, 16-77-7, 16-77-8, 16-77-9, 16-77-10, 16-77-11 and 16-77-12 of the General Laws in Chapter
8 16-77 entitled "Establishment of Charter Public Schools" are hereby repealed.

9 ~~**16-77-2. Legislative purpose.** --- (a) The purpose of this chapter is to provide an~~
10 ~~alternative within the public education system by offering opportunities for existing public~~
11 ~~schools, groups of public school personnel, school districts, and established Rhode Island~~
12 ~~nonprofit organizations to establish and maintain a public school program according to the terms~~
13 ~~of its charter.~~

14 ~~-(b) Charter public schools are intended to be vanguards, laboratories, and an expression~~
15 ~~of the on-going and vital state interest in the improvement of education. Notwithstanding the~~
16 ~~provisions of this section or any special law to the contrary, a charter school shall be deemed to~~
17 ~~be a public school acting under state law, and subject to the Age Discrimination Act of 1975, 42~~
18 ~~O.K. section 6101, et seq., title VI of the Civil Rights Act of 1964, 42 O.K. section 2000d, et seq.,~~
19 ~~title IX of the educational amendments of 1972, 20 O.K. section 1681, et seq., section 794 of title~~

1 ~~29, and part B of the Individuals With Disabilities Education Act, 20 O.K. section 1411, et seq.~~
2 ~~All students and prospective students of a charter school shall be deemed to be public school~~
3 ~~students, having all the same rights under federal and Rhode Island law as students and~~
4 ~~prospective students at a non-chartered public school. These charter public schools shall be~~
5 ~~vehicles for research and development in areas such as curriculum, pedagogy, administration,~~
6 ~~materials, facilities, governance, parent relations and involvement, social development,~~
7 ~~instructor's and administrator's responsibilities, working conditions, and fiscal accountability. It is~~
8 ~~the intent of the general assembly to create within the public school system vehicles for~~
9 ~~innovative learning opportunities to be utilized and evaluated in pilot projects. The provisions of~~
10 ~~this chapter are to be interpreted liberally to support the purposes set forth in this chapter and to~~
11 ~~advance a renewed commitment by the state to the mission, goals, and diversity of public~~
12 ~~education.~~

13 ~~(c) It is the intent of the general assembly to provide opportunities for teachers, parents,~~
14 ~~pupils, and community members to establish and maintain public schools that operate~~
15 ~~independently as a method to accomplish all of the following:~~

16 ~~(1) Improve pupil learning by creating schools with rigorous academic standards in all~~
17 ~~basic areas of instruction for pupil performance;~~

18 ~~(2) Increase learning opportunities for all pupils, with special emphasis on expanded~~
19 ~~learning experiences for pupils who are identified as educationally disadvantaged and at risk;~~

20 ~~(3) Encourage the use of innovative teaching methods;~~

21 ~~(4) Create opportunities for teachers, including the opportunity to be responsible for the~~
22 ~~learning program at the school site;~~

23 ~~(5) Provide parents and pupils with expanded choices in the types of educational~~
24 ~~opportunities that are available within the public school system;~~

25 ~~(6) Hold the schools established under this chapter accountable for meeting publicly~~
26 ~~promulgated, measurable, state and charter based pupil academic results, and provide the schools~~
27 ~~with a method to implement performance based and/or other student based accountability~~
28 ~~systems; and~~

29 ~~(7) Encourage parental and community involvement with public schools.~~

30 ~~**16-77-3. Commissioner of elementary and secondary education and local school**~~
31 ~~**committee authorized to recommend the granting of a charter.**~~

32 ~~(a) The commissioner of elementary and secondary education and/or the school committee where the charter public school~~
33 ~~is to be located are authorized in response to an application to recommend to the board of regents~~
34 ~~for elementary and secondary education the granting of a revocable charter authorizing operation~~

1 ~~of a charter public school for up to five (5) years, subject to renewal for additional five year~~
2 ~~periods.~~

3 ~~(b) Persons or entities eligible to submit an application to establish a charter school shall~~
4 ~~be limited to:~~

5 ~~(1) Existing public schools;~~

6 ~~(2) Groups of public school personnel;~~

7 ~~(3) Public school districts;~~

8 ~~(4) Established Rhode Island nonprofit organizations in accordance with subsection (I)~~
9 ~~of this section provided that these nonprofit organizations shall have existed for at least two (2)~~
10 ~~years and must exist for a substantial reason other than to operate a school;~~

11 ~~(5) A group of school districts;~~

12 ~~(6) Colleges and universities within the state of Rhode Island; or~~

13 ~~(7) A mayor of any city or town within the state of Rhode Island, acting by or through a~~
14 ~~nonprofit organization (regardless of the time said nonprofit organization is in existence) to~~
15 ~~establish a mayoral academy as hereinafter defined. For purposes of this chapter the term~~
16 ~~"mayor" shall include any elected town administrator.~~

17 ~~(c) No existing public school shall be converted into a charter public school unless a~~
18 ~~majority of the parents and/or guardians of the students currently assigned to the school and two~~
19 ~~thirds (2/3) of the certified teaching personnel currently assigned to the school approve the~~
20 ~~proposed charter, as provided in section 16-77-4.1.~~

21 ~~(d) No private or parochial schools shall be eligible for charter school status, nor shall a~~
22 ~~charter school be affiliated in any way with a sectarian school or religious institution. Any charter~~
23 ~~school authorized by this chapter shall be nonsectarian and nonreligious in its programs,~~
24 ~~admissions policies, employment practices, and all other operations. The board of regents shall~~
25 ~~not approve a charter to a school whose overall operation or education program is managed by a~~
26 ~~for profit entity.~~

27 ~~(e) School professionals employed by a local or regional school committee or the state of~~
28 ~~Rhode Island shall be entitled to a two (2) year leave of absence, without compensation, in order~~
29 ~~to be employed in a charter school, provided this leave shall be extended upon request for an~~
30 ~~additional two (2) years. At any time during or upon completion of this leave of absence, a school~~
31 ~~professional may return to work in the school district in the position in which he or she was~~
32 ~~previously employed or a comparable position. This leave of absence shall not be deemed to be~~
33 ~~an interruption of service for purposes of seniority and teachers' retirement.~~

34 ~~(f) No child shall be required to attend a charter public school nor shall any teacher be~~

1 ~~required to teach in a charter public school. The school committee shall make accommodations to~~
2 ~~facilitate the transfer of students who do not wish to participate in the charter public school into~~
3 ~~other public schools. It shall also make accommodations for those students who wish to~~
4 ~~participate to transfer into the charter public school as space permits. If the total number of~~
5 ~~students who are eligible to attend and apply to a charter school is greater than the number of~~
6 ~~spaces available, the charter school shall conduct a lottery to determine which students shall be~~
7 ~~admitted.~~

8 ~~(g) The commissioner is empowered to promulgate rules and regulations consistent with~~
9 ~~this chapter, in conformance with chapter 35 of title 42, for the creation and operation of charter~~
10 ~~public schools. These rules and regulations shall set forth the process for rescission of state~~
11 ~~approval of a charter school, including appropriate protections to ensure the continued provision~~
12 ~~of education services to the students of the charter school whose charter is rescinded.~~

13 ~~(h) All charter schools shall adhere to financial record keeping, reporting, auditing~~
14 ~~requirements, and procedures in the same manner as required of local public school districts and~~
15 ~~in accordance with federal and state laws and regulations.~~

16 ~~(I) Any nonprofit organization which seeks to establish a charter school must submit its~~
17 ~~financial records and financial plan for operating the school to the auditor general, who shall~~
18 ~~review the records, the financial plan, and the financial integrity of the organization. At the time~~
19 ~~of initial charter application the financial records and financial recordkeeping system of the~~
20 ~~nonprofit organization and the proposed financial plan for the charter school shall be reviewed by~~
21 ~~the auditor general and the auditor general shall, while the application is being considered for~~
22 ~~preliminary approval by the board of regents, provide an initial determination to the board of~~
23 ~~regents, the commissioner of elementary and secondary education, and the speaker of the house~~
24 ~~of representatives indicating that the auditor general is satisfied that the nonprofit organization is~~
25 ~~financially responsible. Final approval for operation of the public charter school shall not be~~
26 ~~granted by the board of regents until the auditor general has approved the financial plan and~~
27 ~~financial record keeping system and is satisfied that the nonprofit organization is financially~~
28 ~~responsible. The auditor general shall notify the board of regents, the commissioner of elementary~~
29 ~~and secondary education, and the speaker of the house of representatives of the findings. During~~
30 ~~the year immediately preceding the September in which the public charter school is to begin~~
31 ~~operation, the charter applicant shall make any additional submissions to the auditor general~~
32 ~~prescribed by the auditor general in the initial determination. Additional submissions during the~~
33 ~~year prior to the September in which the public charter school is to begin operation shall include,~~
34 ~~but not be limited to, evidence submitted to the auditor general not later than June 1 prior to the~~

1 ~~opening of the public charter school of the existence of an agreement, option for lease or~~
2 ~~purchase, lease agreement or purchase agreement, contingent upon general assembly funding, for~~
3 ~~a facility in which the public charter school will operate in its first year of operation. The auditor~~
4 ~~general shall have the authority to review charter schools on an annual basis or require the charter~~
5 ~~school to have an annual certified audit in accordance with the same federal and state standards~~
6 ~~that are applicable to local public school districts. If as a result of any annual audit the auditor~~
7 ~~general believes there are financial irregularities, the auditor general shall withdraw the original~~
8 ~~approval and the board of regents shall withdraw its approval for the charter school to continue~~
9 ~~operation.~~

10 ~~(j) Notwithstanding the provisions of this section, the Board of Regents shall not grant~~
11 ~~final approval for any new charter school to begin operations in the 2006-2007 or 2007-2008~~
12 ~~school year except for mayoral academies as hereinafter defined.~~

13 ~~(k) A "mayoral academy" means a charter school created by a mayor of any city or town~~
14 ~~acting through a nonprofit organization established for said purpose, which enrolls students from~~
15 ~~more than one city or town including both urban and non-urban communities and which offers an~~
16 ~~equal number of enrollments to students on a lottery basis; provided, further, that such mayoral~~
17 ~~academies shall have a board of trustees or directors which is comprised of representatives from~~
18 ~~each included city or town and is chaired by a mayor of an included city or town.~~

19 ~~**16-77-4. Procedure for creation of charter schools.** --- (a) Any group eligible to~~
20 ~~establish a charter public school may apply to the commissioner of elementary and secondary~~
21 ~~education and the school committee of the district.~~

22 ~~(b) The commissioner of education may recommend to the board of regents for~~
23 ~~elementary and secondary education granting of a charter for a public school upon receiving a~~
24 ~~completed application which contains all of the information which he or she deems necessary to~~
25 ~~fully address the following issues. The application shall:~~

26 ~~(1) Be submitted to the commissioner and to the local school committee by not later than~~
27 ~~December 1 of the school year before the school year in which the charter public school is to be~~
28 ~~established;~~

29 ~~(2) Describe a plan for education, including the mission, objective, method of providing~~
30 ~~a basic education, measurable student academic goals that the charter public school will meet, and~~
31 ~~process for improving student learning and fulfilling the charter and fulfilling state and national~~
32 ~~educational goals and standards;~~

33 ~~(3) Provide a minimum of one hundred eighty (180) days of instruction to students per~~
34 ~~year;~~

- 1 ~~-(4) Indicate performance criteria that will be used to measure student learning and to~~
2 ~~comply with the charter, state, and national educational goals and standards;~~
- 3 ~~-(5) Include an agreement to provide a yearly report to parents, the community, the local~~
4 ~~school committee, and the commissioner of elementary and secondary education, which indicates~~
5 ~~the progress made by the charter public school during the previous year in meeting the charter~~
6 ~~objectives;~~
- 7 ~~-(6) Present a plan for the governance, administration, and operation of the charter public~~
8 ~~school, including the manner in which the governing board of the school will be chosen, the~~
9 ~~nature and extent of parental, professional educator, and community involvement in the~~
10 ~~governance and operation of the charter public school, and the means of ensuring accountability~~
11 ~~to the commissioner of education, the local school district, and the board of regents;~~
- 12 ~~-(7) Identify the building that will house the charter public school and from whom and~~
13 ~~under what terms and conditions it is to be provided;~~
- 14 ~~-(8) Describe what support services will be provided by the school district and under what~~
15 ~~terms and conditions those services are to be provided, and describe what support services the~~
16 ~~charter public school will obtain directly from third parties and, to the extent known, under what~~
17 ~~terms and conditions those services are to be provided;~~
- 18 ~~-(9) Explain the procedures that will be followed to ensure the health and safety of pupils~~
19 ~~and staff;~~
- 20 ~~-(10) Describe enrollment procedures including the nondiscriminatory criteria for~~
21 ~~admission in accordance with applicable state and federal law, along with a program to encourage~~
22 ~~the enrollment of a diverse student population. The makeup of the charter public school must be~~
23 ~~reflective of the student population of the district, including but not limited to special education~~
24 ~~children, children at risk, children eligible for free or reduced cost lunch, and limited English~~
25 ~~proficient students. No charter shall be authorized for a school with a student population that does~~
26 ~~not include students eligible for free or reduced cost lunch, students with limited English~~
27 ~~proficiency, and special education students in a combined percentage which is at least equal to the~~
28 ~~combined percentage of those student populations enrolled in the school district as a whole;~~
- 29 ~~-(11) Explain the student discipline procedures;~~
- 30 ~~-(12) Explain the relationship that will exist between the proposed charter public school~~
31 ~~and its employees, including the terms and conditions of employment and the qualifications that~~
32 ~~the employees must meet. Teachers and administrators in charter public schools must be certified~~
33 ~~pursuant to state law and regulation. With the exception of mayoral academies, teachers and~~
34 ~~administrators in charter schools shall be entitled to prevailing wages and benefits as enjoyed by~~

1 ~~other public school teachers and administrators within the school district, and shall be subject to~~
2 ~~the state teacher retirement system under chapter 8 of title 36. With the exception of mayoral~~
3 ~~academies, employment in a charter school shall be considered "service" as that term is defined in~~
4 ~~chapter 16 of this title. With the exception of mayoral academies, all employees and prospective~~
5 ~~employees of a charter school shall be deemed to be public school employees, having the same~~
6 ~~rights, including retirement, under Rhode Island and federal law as employees and prospective~~
7 ~~employees at a non-chartered public school. Each mayoral academy established pursuant to this~~
8 ~~chapter may nevertheless, by written notice to the commissioner of elementary and secondary~~
9 ~~education, elect to have this subsection apply to its teachers, administrators and employees.~~

10 ~~-(13) Identify with particularity the state statutes, state regulations, and school district~~
11 ~~rules from which variances are sought in order to facilitate operation of the charter public school.~~
12 ~~Explain the reasons for each variance and the alternative method by which the concern that gave~~
13 ~~rise to the regulation or provision will be addressed;~~

14 ~~-(14) Provide a financial plan including a proposed budget for the term of the charter, and~~
15 ~~an annual audit of the financial and administrative operations of the charter public school, and the~~
16 ~~manner in which the funds allocated to the charter public school will be managed and disbursed;~~

17 ~~-(15) Provide procedures by which teaching personnel and parents can legally challenge~~
18 ~~decisions of the governing board of the school which do not conform to the school's charter; and~~

19 ~~-(16) Provide a copy of the proposed bylaws of the charter public school.~~

20 ~~**16-77-4.1. Establishing a charter public school within a school district.**— (a) In those~~
21 ~~instances where a charter is being sought for an existing public school, the charter must receive~~
22 ~~the affirmative votes of two thirds (2/3) of the teachers assigned to the school prior to~~
23 ~~implementation. If approved by the faculty, the charter shall be voted on by the parents or legal~~
24 ~~guardians of each student assigned to the school, with one vote being cast for each student. To be~~
25 ~~adopted by the parents, the charter must receive the affirmative votes of parents or legal guardians~~
26 ~~representing a majority of all the students assigned to the school. The charter may then be~~
27 ~~presented by the commissioner of elementary and secondary education to the board of regents for~~
28 ~~elementary and secondary education for its approval.~~

29 ~~-(b) In those instances where a charter is being sought by a school district for a newly~~
30 ~~created public charter school, the charter must receive the affirmative support of a number of~~
31 ~~certified teachers employed within the school district at least equal to two thirds (2/3) of the~~
32 ~~number of teachers that will be required to staff the proposed charter public school. The teachers~~
33 ~~must state their desire to transfer to the charter public school, once established, and to teach under~~
34 ~~the terms of the charter. To demonstrate parental support within the school district, the charter~~

1 ~~must receive the affirmative support of parents or legal guardians representing a number of~~
2 ~~students currently enrolled in the school district equal to at least one-half (1/2) of the number of~~
3 ~~students who would be needed to attend the proposed charter public school. The parents or~~
4 ~~guardians must state their desire to have their children transfer to the charter public school, once~~
5 ~~established, and to be educated under the terms of the charter. The charter may then be presented~~
6 ~~by the commissioner of elementary and secondary education to the board of regents for~~
7 ~~elementary and secondary education for its approval. The charter shall set forth those provisions~~
8 ~~of state statute, regulation, and school district rules which will not be applicable to that charter~~
9 ~~public school.~~

10 ~~(c) The charter shall set forth those provisions of state statute, regulation, and of school~~
11 ~~district rules which will not be applicable to that charter public school. By two-thirds (2/3) vote of~~
12 ~~the teachers as provided for in this section, the teachers will be deemed to have given their~~
13 ~~consent to the variances from those provisions of law, regulation, and school district rules. The~~
14 ~~charter shall set forth those provisions of the collective bargaining agreement which will not be~~
15 ~~applicable to that charter public school subject to agreement by the parties to the collectively~~
16 ~~bargaining agreement. By approval of the charter upon the recommendation of the commissioner~~
17 ~~of elementary and secondary education, the board of regents will be deemed to have authorized~~
18 ~~all necessary variances from law and regulation enumerated in the charter. Should the need for~~
19 ~~relief from the operation of additional provisions of law and/or contract become apparent~~
20 ~~subsequent to implementation of the charter, a variance may be obtained by an affirmative vote of~~
21 ~~two-thirds (2/3) of the teachers then assigned to the school, agreement by all parties to the~~
22 ~~collective bargaining agreement, and by an affirmative vote of the board of regents upon a~~
23 ~~recommendation of the commissioner of elementary and secondary education.~~

24 ~~**16-77-4.2. Establishing a charter public school at a newly created school.** --- To~~
25 ~~demonstrate parental support for the proposed charter public school, the charter must receive the~~
26 ~~affirmative support of parents or legal guardians representing a number of students equal to at~~
27 ~~least one-half (1/2) of the number of students who would be needed to attend the proposed charter~~
28 ~~public school. The parents or guardians must state their desire to have their children transfer to~~
29 ~~the charter public school, once established, and to be educated under the terms of the charter. The~~
30 ~~charter may then be presented by the commissioner of elementary and secondary education to the~~
31 ~~board of regents for elementary and secondary education for its approval. The charter shall set~~
32 ~~forth those provisions of state statute, regulation, school district rule which will not be applicable~~
33 ~~to that charter public school. By approval of the charter upon the recommendation of the~~
34 ~~commissioner of elementary and secondary education, the board of regents will be deemed to~~

1 ~~have authorized all necessary variances from law and regulation enumerated in the charter.~~
2 ~~Should the need for relief from the operation of additional provisions of law, regulations, or~~
3 ~~school district rule become apparent subsequent to implementation of the charter, a variance may~~
4 ~~be obtained by an affirmative vote of two thirds (2/3) of the teachers then employed by the school~~
5 ~~and by an affirmative vote of the board of regents upon a recommendation of the commissioner of~~
6 ~~elementary and secondary education.~~

7 ~~**16-77-5. Process for consideration of proposed charter.**~~ (a) ~~If the commissioner of~~
8 ~~elementary and secondary education or the local school committee finds the application to be~~
9 ~~incomplete, further information may be requested and required. The commissioner shall develop~~
10 ~~regulations for amending an approved charter, consistent with the provisions of this chapter.~~

11 ~~(b) After having received a satisfactory application, the commissioner of elementary and~~
12 ~~secondary education will provide for a public comment period of not less than sixty (60) days,~~
13 ~~during which they will hold at least two (2) public hearings on the application. These hearings~~
14 ~~will be held in the district where the proposed charter school is to be located. Any person may file~~
15 ~~with the committee and/or the commissioner comments, recommendations, and/or objections~~
16 ~~relevant to the granting of a charter.~~

17 ~~(c) A copy of the completed application for a charter public school at an existing public~~
18 ~~school shall be provided to the collective bargaining agent for the teachers in that school district~~
19 ~~at the time that it is filed with the school committee and the commissioner. The teachers through~~
20 ~~their collective bargaining agent shall be afforded the opportunity to present their analysis of and~~
21 ~~recommendations regarding the proposed charter to the school committee and the board of~~
22 ~~regents for elementary and secondary education prior to any determination by those entities. If the~~
23 ~~teachers' union objects to the proposed charter or to any provision of it, it shall set forth the~~
24 ~~reasons for those objections in detail. These objections and recommendations shall be considered~~
25 ~~and responded to by the school committee and the commissioner before making any~~
26 ~~recommendation to the board of regents, and by the board of regents prior to its determination.~~

27 ~~(d) The commissioner and the local school committee will each decide on whether or not~~
28 ~~to recommend the granting of the charter within ninety (90) days after the conclusion of the~~
29 ~~public comment period.~~

30 ~~(e) If the commissioner of elementary and secondary education or the local school~~
31 ~~committee recommend the granting of the charter public school petition, the matter shall be~~
32 ~~referred to the board of regents for a decision on whether or not to grant a charter. Notice of the~~
33 ~~granting or denial of the application will be supplied. The decision of the board of regents,~~
34 ~~complete with reasons and conditions, shall be made available to the public and to the applicant.~~

1 ~~-(f) The commissioner, with the approval of the board of regents for elementary and~~
2 ~~secondary education, may grant a variance to any provision of title 16 other than those~~
3 ~~enumerated in section 16-77-11 and to any department of education regulation and to any school~~
4 ~~district regulation which does not affect the health and safety or civil rights of pupils in charter~~
5 ~~public schools.~~

6 ~~-(g) All charter applications shall be matters of public record and will be provided to~~
7 ~~members of the public upon request.~~

8 ~~-(h) Notwithstanding the provisions of this section, the Board of Regents shall not grant~~
9 ~~final approval for any new charter school to begin operations in the 2006-2007 or 2007-2008~~
10 ~~school year.~~

11 **16-77-6. Budgets and funding.** ~~-(a) It is the intent of the general assembly that funding~~
12 ~~pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the~~
13 ~~establishment of a charter school. Funding for each charter public school shall consist of state~~
14 ~~revenue and municipal or district revenue in the same proportions that funding is provided for~~
15 ~~other schools within the school district in which the charter public school is located.~~

16 ~~-(b) The amount of funding which shall be allocated to the charter public school by the~~
17 ~~school district shall be equal to a percentage of the total budgeted expenses of the district which is~~
18 ~~determined by dividing the number of students enrolled in the charter public school by the total~~
19 ~~resident average daily number of students in the school district.~~

20 ~~-(c) Funding additional to that authorized from the school district by subsection (b) may~~
21 ~~be allocated to the charter public school from the school district to the extent that the combined~~
22 ~~percentage of students eligible for free or reduced cost lunch, students with limited English~~
23 ~~proficiency, and students requiring special education exceed the combined percentage of those~~
24 ~~students in the school district as a whole. The commissioner of elementary and secondary~~
25 ~~education shall promulgate rules and regulations consistent with this section regarding the~~
26 ~~allocation of funds from school districts to charter public schools within those districts.~~

27 ~~-(d) All services centrally or otherwise provided by the school district in which the~~
28 ~~charter public school is located which the charter public school decides to utilize including, but~~
29 ~~not limited to, transportation, food services, custodial services, maintenance, curriculum, media~~
30 ~~services, libraries, nursing, and warehousing, shall be subject to negotiation between a charter~~
31 ~~public school and the local school district and paid for out of the revenues of the charter school.~~
32 ~~Disputes with regard to cost of services requested from local districts will be adjudicated by the~~
33 ~~commissioner of elementary and secondary education.~~

34 ~~-(e) A charter public school shall be eligible to receive other aids, grants, Medicaid~~

1 ~~revenue, and other revenue according to Rhode Island law, as though it were a school district.~~
2 ~~Federal aid received by the state shall be used to benefit students in the charter public school, if~~
3 ~~the school qualifies for the aid, as though it were a school district.~~

4 ~~(f) A charter public school may negotiate and contract directly with third parties for the~~
5 ~~purchase of books, instructional materials, and any other goods and services which are not being~~
6 ~~provided by the school district pursuant to the charter.~~

7 ~~(g) Any career/technical charter public school enrolling special education students from~~
8 ~~outside school districts with verifiable individual education program (IEP) designations shall~~
9 ~~receive from the sending district the average per pupil special education cost of the sending~~
10 ~~district.~~

11 ~~**16-77-7. Immunity and liability.** --- Charter public schools have the same immunity~~
12 ~~possessed by school districts to suit as limited by chapter 31 of title 9. A charter public school~~
13 ~~shall have the authority to indemnify its employees to the extent that they are not already~~
14 ~~indemnified by the school district and/or the board of regents pursuant to section 9-1-31.~~

15 ~~**16-77-8. Oversight by commissioner.** --- (a) Individuals or groups may complain to a~~
16 ~~charter school's governing body concerning any claimed violation of the provisions of this~~
17 ~~chapter by the school. If, after presenting their complaint to the governing body, the individuals~~
18 ~~or groups believe their complaint has not been adequately addressed, they may submit their~~
19 ~~complaint to the commissioner of elementary and secondary education who shall hear and decide~~
20 ~~the issue pursuant to sections 16-39-1 and 16-39-2.~~

21 ~~(b) Charter school approval for establishment or continuation shall be for up to a five (5)~~
22 ~~year period. In either case, board of regents approval is required. However, the charter may be~~
23 ~~revoked at any time if the school:~~

24 ~~(1) Materially violates provisions contained in the charter;~~

25 ~~(2) Fails to meet or pursue the educational objectives contained in the charter;~~

26 ~~(3) Fails to comply with fiscal accountability procedures as specified in the charter; or~~

27 ~~(4) Violates provisions of law that have not been granted variance by the board of~~
28 ~~regents.~~

29 ~~(c) After denying or prior to nonrenewing or revoking a charter, the department of~~
30 ~~elementary and secondary education will hold a hearing on the issues in controversy under~~
31 ~~section 16-39-1.~~

32 ~~(d) No more than twenty (20) charters, serving no more than four percent (4%) of the~~
33 ~~state's school age population, shall be granted. At least ten (10) of the twenty (20) total charters~~
34 ~~shall be reserved for charter school applications which are designed to increase the educational~~

1 opportunities for at risk pupils.

2 ~~**16-77-9. Additional standards.** --- (a) No student tuition or mandatory fees may be~~
3 ~~charged by any charter public school.~~

4 ~~-(b) A charter public school may include any grade up to grade twelve (12) or any~~
5 ~~configuration of those grades, including kindergarten and prekindergarten. If specified in its~~
6 ~~charter, a charter public school may also operate an adult education program, adult high school~~
7 ~~completion program, or general education development testing preparation program.~~

8 ~~-(c) It is the intent of the general assembly that priority of consideration be given to~~
9 ~~charter public school applications designed to increase the educational opportunities of~~
10 ~~educationally disadvantaged and at risk pupils.~~

11 ~~-(d) A charter public school may establish reasonable academic standards as a condition~~
12 ~~for eligibility for applicants which are in accordance with current state law and practice in~~
13 ~~existing public schools, and which do not discriminate against otherwise qualified individuals~~
14 ~~with a disability and which comply fully with section 16-77-4(b)(10).~~

15 ~~-(e) A student who is not under suspension or expulsion for discipline reasons may~~
16 ~~withdraw from a charter public school at any time and enroll in another public school in the~~
17 ~~district where the student resides as determined by the school committee of the district. A student~~
18 ~~may be suspended or expelled from a charter public school in accordance with the board of~~
19 ~~regents and local district regulations for suspensions and/or expulsions, and other public schools~~
20 ~~may give full faith and credit to that suspension or expulsion.~~

21 ~~-(f) The governing board of a charter public school shall be subject to the Open Meetings~~
22 ~~Law, chapter 46 of title 42.~~

23 ~~**16-77-10. Applicability of other provisions of title 16.** --- The board of regents for~~
24 ~~elementary and secondary education may grant to charter public schools variances of specific~~
25 ~~chapters and sections of this title except to the extent that these chapters and sections are~~
26 ~~enumerated in section 16-77-11.~~

27 ~~**16-77-11. Portions of title 16 applicable to charter schools.** --- The following provisions~~
28 ~~of this title shall be binding on charter public schools and may not be waived by the~~
29 ~~commissioner of elementary and secondary education:~~

30 ~~-(1) Section 16-2-2 (minimum length of school year);~~

31 ~~-(2) Section 16-2-17 (right to a safe school);~~

32 ~~-(3) Section 16-8-10 (federal funds for school lunch);~~

33 ~~-(4) Section 16-11-1 (certification of public school teachers);~~

34 ~~-(5) Section 16-12-3 (duty to cultivate principles of morality);~~

- 1 ~~(6) Section 16-12-10 (immunity for report of suspected substance abuse);~~
- 2 ~~(7) Chapter 13 (teachers' tenure) (with the exception of mayoral academies);~~
- 3 ~~(8) Chapter 16 (teachers' retirement) (with the exception of mayoral academies);~~
- 4 ~~(9) Section 16-19-1 (compulsory attendance);~~
- 5 ~~(10) Sections 16-20-1 (school holidays enumerated);~~
- 6 ~~(11) Sections 16-21-3 and 16-21-4 (fire safety);~~
- 7 ~~(12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);~~
- 8 ~~(13) Section 16-22-9 (uniform testing);~~
- 9 ~~(14) Section 16-24-2 (regulations of state board);~~
- 10 ~~(15) Section 16-38-1 (discrimination because of race or age);~~
- 11 ~~(16) Section 16-38-1.1 (discrimination because of sex);~~
- 12 ~~(17) Section 16-38-2 (immunizations);~~
- 13 ~~(18) Section 16-38-4 (exclusive club);~~
- 14 ~~(19) Section 16-38-6 (commercial activities prohibited);~~
- 15 ~~(20) Section 16-38-9 (misconduct of school officers);~~
- 16 ~~(21) Section 16-38-10 (power of officials to visit schools);~~
- 17 ~~(22) Section 16-39-1 (appeal of matters of dispute to commissioner);~~
- 18 ~~(23) Section 16-39-2 (appeal of school committee actions to commissioner);~~
- 19 ~~(24) Section 16-39-3 (appeal to state board);~~
- 20 ~~(25) Section 16-39-3.1 (enforcement of final decision);~~
- 21 ~~(26) Section 16-39-3.2 (interim protective orders);~~
- 22 ~~(27) Section 16-39-8 (subpoena power of commissioner);~~
- 23 ~~(28) Section 16-40-16 (student records);~~
- 24 ~~(29) Section 16-71-1 (Educational Record Bill of Rights Act).~~

25 **16-77-12. Charter school reporting. --** ~~All charter schools shall continuously monitor~~
26 ~~their financial operations by tracking actual versus budgeted revenue and expense. The chief~~
27 ~~financial officer of the charter school shall submit a report on a quarterly basis to the state office~~
28 ~~of municipal affairs certifying the status of the charter school budget.~~

29 ~~The quarterly reports shall be in a format prescribed by the state office of municipal~~
30 ~~affairs and the state auditor general. The reports shall contain a statement as to whether any actual~~
31 ~~or projected shortfalls in budget line items are expected to result in a year-end deficit, the~~
32 ~~projected impact on year-end financial results including all accruals and encumbrances, and how~~
33 ~~the charter school plans to address any such shortfalls.~~

34 ~~The auditor general or the state director of administration may petition the superior court~~

~~to order the charter school to file said reports. The director of administration may also direct the state controller and general treasurer to withhold any funding to the charter school until the school complies with the reporting requirements hereunder. Failure to comply with this section shall be cause for the revocation of the school charter.~~

SECTION 3. Chapter 16-77 of the General Laws entitled "Establishment of Charter Public Schools" is hereby amended by adding thereto the following sections:

16-77-2.1. Definitions. – As used in this chapter, the following words shall have the following meanings:

(1) "District charter schools" means schools created by existing public schools, groups of public school personnel, public school districts, or a group of school districts.

(2) "Independent charter schools" means schools created by: (I) Rhode Island nonprofit organizations provided that these nonprofit organizations shall have existed for at least two (2) years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or universities within the State of Rhode Island.

(3) "Mayoral academies" means schools created by a mayor of any city or town within the State of Rhode Island, acting by or through a nonprofit organization (regardless of the time said nonprofit organization is in existence) to establish a mayoral academy as hereinafter described in chapter 16-77.4 ("Mayoral Academies"). For purposes of this chapter the term "mayor" shall include any elected town administrator.

(4) "Charter public schools" means district charter schools, independent charter schools, or mayoral academies.

(5) "Board of regents" means the Rhode Island board of regents for elementary and secondary education.

(6) "Commissioner" means the Rhode Island commissioner of elementary and secondary education.

(7) "Sending school district" means the district where the student attending or planning to attend a charter public school resides.

16-77-3.1. Legislative purpose. -- (a) The purpose of this chapter is to provide an alternative within the public education system by offering opportunities for entities identified in section 16-77-2.1 to establish and maintain a high performing public school program according to the terms of a charter. The key appeal of the charter school concept is its promise of increased accountability for student achievement in exchange for increased school autonomy.

(b) Charter public schools are intended to be vanguards, laboratories, and an expression of the on-going and vital state interest in the improvement of education. Notwithstanding the

1 provisions of this section or any law to the contrary, a charter school shall be deemed to be a
2 public school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C.
3 section 6101, et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. section 2000d, et seq.,
4 title IX of the educational amendments of 1972, 20 U.S.C. section 1681, et seq, section 794 of
5 title 29, and part B of the Individuals With Disabilities Education Act, 20 U.S.C. section 1411, et
6 seq. All students and prospective students of a charter school shall be deemed to be public school
7 students, having all the same rights under federal and Rhode Island law as students and
8 prospective students at a non-chartered public school. These charter public schools shall be
9 vehicles for research and development in areas such as curriculum, pedagogy, administration,
10 materials, facilities, governance, parent relations and involvement, social development,
11 instructor's and administrator's responsibilities, working conditions, student performance and
12 fiscal accountability. It is the intent of the general assembly to create within the public school
13 system vehicles for innovative learning opportunities to be utilized and evaluated in pilot projects.
14 The provisions of this chapter are to be interpreted liberally to support the purposes set forth in
15 this chapter and to advance a renewed commitment by the state to the mission, goals, and
16 diversity of public education.

17 (c) It is the intent of the general assembly to provide opportunities for teachers, parents,
18 pupils, and community members to establish and maintain public schools that operate
19 independently as a method to accomplish all of the following:

20 (1) Improve pupil learning by creating schools with rigorous academic standards in all
21 basic areas of instruction for high pupil performance;

22 (2) Increase learning opportunities for all pupils, with special emphasis on expanded
23 learning experiences for pupils who are identified as educationally disadvantaged and at-risk;

24 (3) Encourage the use of innovative teaching methods;

25 (4) Create opportunities for teachers, including the opportunity to be responsible for the
26 learning program at the school site;

27 (5) Provide parents and pupils with expanded choices in the types of educational
28 opportunities that are available within the public school system;

29 (6) Hold the schools established under this chapter accountable for meeting publicly
30 promulgated, measurable, state and charter-based pupil academic results, and provide the schools
31 with a method to implement performance-based and/or other student-based accountability
32 systems, while providing a means to restrict the expansion of ineffective charter public schools;

33 and

34 (7) Encourage parental and community involvement with public schools.

1 (d) No private or parochial schools shall be eligible for charter public school status, nor
2 shall a charter public school be affiliated in any way with a sectarian school or religious
3 institution. Any charter public school authorized by this chapter shall be nonsectarian and
4 nonreligious in its programs, admissions policies, employment practices, and all other operations.
5 The board of regents shall not approve a charter to a school whose overall operation or education
6 program is managed by a for profit entity.

7 (e) The commissioner is empowered to promulgate rules and regulations consistent with
8 this chapter, in conformance with chapter 35 of title 42, for the creation and operation of charter
9 public schools. These rules and regulations shall set forth the process for rescission of state
10 approval of a charter public school, including appropriate protections to ensure the continued
11 provision of education services to the students of the charter public school whose charter is
12 rescinded.

13 (f) All charter public schools shall adhere to financial record keeping, reporting, auditing
14 requirements, and procedures as required by the Rhode Island department of education and in
15 accordance with federal and state laws and regulations.

16 (g) No more than thirty-five (35) charters shall be granted. At least one-half (1/2) of the
17 total number of charter public schools in the state shall be reserved for charter school applications
18 which are designed to increase the educational opportunities for at-risk pupils.

19 **16-77-4.1. Immunity and liability.** -- Charter public schools have the same immunity
20 possessed by school districts to suit as limited by chapter 31 of title 9. A charter public school
21 shall have the authority to indemnify its employees to the extent that they are not already
22 indemnified by the school district and/or the board of regents pursuant to section 9-1-31.

23 **16-77-5.1. Oversight by commissioner.** -- (a) Individuals or groups may complain to a
24 charter public school's governing body concerning any claimed violation of the provisions of this
25 chapter by the school. If, after presenting their complaint to the governing body, the individuals
26 or groups believe their complaint has not been adequately addressed, they may submit their
27 complaint to the commissioner who shall hear and decide the issue pursuant to sections 16-39-1
28 and 16-39-2.

29 (b) Charter public school approval for establishment or continuation shall be for up to a
30 five (5) year period. In either case, board of regents approval is required. However, the charter
31 may be revoked at any time if the school:

32 (1) Materially violates provisions contained in the charter;

33 (2) Fails to meet or pursue the educational objectives contained in the charter;

34 (3) Fails to comply with fiscal accountability procedures as specified in the charter;

1 (1) Existing public schools;

2 (2) Groups of public school personnel;

3 (3) Public school districts; or

4 (4) A group of school districts.

5 (b) No existing public school shall be converted into a district charter school unless a
6 majority of the parents and/or guardians of the students currently assigned to the school and two-
7 thirds (2/3) of the certified teaching personnel currently assigned to the school approve the
8 proposed charter, as provided in section 16-77.2-2.

9 (c) School professionals employed by a local or regional school committee or the State of
10 Rhode Island shall be entitled to a two (2) year leave of absence, without compensation, in order
11 to be employed in a district charter school, provided this leave shall be extended upon request for
12 an additional two (2) years. At any time during or upon completion of this leave of absence, a
13 school professional may return to work in the school district in the position in which he or she
14 was previously employed or a comparable position. This leave of absence shall not be deemed to
15 be an interruption of service for purposes of seniority and teachers' retirement.

16 (d) No child shall be required to attend a district charter school nor shall any teacher be
17 required to teach in a district charter school. The school committee shall make accommodations
18 to facilitate the transfer of students who do not wish to participate in the district charter school
19 into other public schools. It shall also make accommodations for those students who wish to
20 participate to transfer into the district charter school as space permits. If the total number of
21 students who are eligible to attend and apply to a district charter school is greater than the number
22 of spaces available, the charter school shall conduct a lottery to determine which students shall be
23 admitted.

24 **16-77.2-2. Procedure for creation of district charter schools. -- (a) Any persons or**
25 entities eligible to establish a district charter school may submit a proposed charter to the
26 commissioner and the school committee of the district where the district charter school is to be
27 located. The proposed charter shall:

28 (1) Be submitted to the commissioner and to the school committee of the district where
29 the district charter school is to be located no later than December 1st of the school year before the
30 school year in which the district charter school is to be established;

31 (2) Describe a plan for education, including the mission, objective, method of providing a
32 basic education, measurable student academic goals that the district charter school will meet, and
33 process for improving student learning and fulfilling the charter and fulfilling state and national
34 educational goals and standards;

- 1 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
2 year;
- 3 (4) Indicate performance criteria that will be used to measure student learning and to
4 comply with the charter, state, and national educational goals and standards;
- 5 (5) Include an agreement to provide a yearly report to parents, the community, the school
6 committee of the district where the district charter school is to be located, and the commissioner,
7 which indicates the progress made by the district charter school during the previous year in
8 meeting the charter objectives;
- 9 (6) Present a plan for the governance, administration, and operation of the district charter
10 school, including the manner in which the governing board of the school will be chosen, the
11 nature and extent of parental, professional educator, and community involvement in the
12 governance and operation of the district charter school, and the means of ensuring accountability
13 to the commissioner, the school district of the district where the district charter school is to be
14 located, and the board of regents;
- 15 (7) Identify the building that will house the district charter school and from whom and
16 under what terms and conditions it is to be provided;
- 17 (8) Describe what support services will be provided by the school district and under what
18 terms and conditions those services are to be provided, and describe what support services the
19 district charter school will obtain directly from third-parties and, to the extent known, under what
20 terms and conditions those services are to be provided;
- 21 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
22 and staff;
- 23 (10) Describe enrollment procedures including the permissible criteria for admission in
24 accordance with applicable state and federal law, along with a policy or policies that outline
25 outreach and recruitment programs to encourage the enrollment of a diverse student population;
- 26 (11) Explain the student discipline procedures;
- 27 (12) Explain the relationship that will exist between the proposed district charter school
28 and its employees, including the terms and conditions of employment and the qualifications that
29 the employees must meet. Teachers and administrators in district charter schools must be certified
30 pursuant to state law and regulation. Teachers and administrators in district charter schools shall
31 be entitled to prevailing wages and benefits as enjoyed by other public school teachers and
32 administrators within the school district where the district charter school is to be located and to
33 the state teachers' retirement system under chapter 8 of title 36. Employment in a district charter
34 school shall be considered "service" as that term is defined in chapter 16 of this title. All

1 employees and prospective employees of a district charter school shall be deemed to be public
2 school employees, having the same rights, including retirement, under Rhode Island and federal
3 law as employees and prospective employees at a non-chartered public school.

4 (13) Identify with particularity the state statutes, state regulations, and school district
5 rules from which variances are sought in order to facilitate operation of the district charter school.
6 Explain the reasons for each variance and the alternative method by which the concern that gave
7 rise to the regulation or provision will be addressed;

8 (14) The proposed charter shall set forth those provisions of the collective bargaining
9 agreement which will not be applicable to that district charter school subject to agreement by the
10 parties to the collectively bargaining agreement;

11 (15) Provide a financial plan including a proposed budget for the term of the charter, and
12 an annual audit of the financial and administrative operations of the district charter school, and
13 the manner in which the funds allocated to the district charter school will be managed and
14 disbursed;

15 (16) Provide procedures by which teaching personnel and parents can legally challenge
16 decisions of the governing board of the school which do not conform to the school's charter; and

17 (17) Provide a copy of the proposed bylaws of the district charter school.

18 (b) In those instances where a charter is being sought for an existing public school, the
19 proposed charter must receive the affirmative votes of two-thirds (2/3) of the teachers assigned to
20 the school prior to implementation. If approved by the faculty, the proposed charter shall be voted
21 on by the parents or legal guardians of each student assigned to the school, with one vote being
22 cast for each student. To be adopted by the parents, the proposed charter must receive the
23 affirmative votes of parents or legal guardians representing a majority of all the students assigned
24 to the school.

25 (c) In those instances where a charter is being sought for a newly created district charter
26 school, the proposed charter must receive the affirmative support of a number of certified
27 teachers employed within the school district where the district charter school is to be located at
28 least equal to two-thirds (2/3) of the number of teachers that will be required to staff the proposed
29 district charter school. The teachers who affirmatively support the proposed charter must state
30 their desire to transfer to the district charter school, once established, and to teach under the terms
31 of the charter. To demonstrate parental support within the school district, the charter must receive
32 the affirmative support of parents or legal guardians representing a number of students currently
33 enrolled in the school district equal to at least one-half (1/2) of the number of students who would
34 be needed to attend the proposed district charter school. The parents or guardians must state their

1 desire to have their children transfer to the district charter school, once established, and to be
2 educated under the terms of the charter. The charter may then be presented by the commissioner
3 to the board of regents for its approval. The charter shall set forth those provisions of state statute,
4 regulation, and school district rules which will not be applicable to that district charter school

5 (d) By approval of the charter upon the recommendation of the commissioner, the board
6 of regents will be deemed to have authorized all necessary variances from law and regulation
7 enumerated in the charter. Should the need for relief from the operation of additional provisions
8 of law and/or contract become apparent subsequent to implementation of the charter, a variance
9 may be obtained by an affirmative vote of two-thirds (2/3) of the teachers then assigned to the
10 school, agreement by all parties to the collective bargaining agreement and by an affirmative vote
11 of the board of regents upon a recommendation of the commissioner.

12 **16-77.2-3. Process for consideration of proposed charter.** -- (a) If the commissioner or
13 the school committee of the district where the district charter school is to be located finds the
14 proposed charter to be incomplete, further information may be requested and required. The
15 commissioner shall develop regulations for amending an approved charter, consistent with the
16 provisions of this chapter.

17 (b) After having received a satisfactory proposed charter, the commissioner will provide
18 for a public comment period of not less than sixty (60) days, during which they will hold at least
19 two (2) public hearings on the proposed charter. These hearings will be held in the district where
20 the proposed district charter school is to be located. Any person may file with the committee
21 and/or the commissioner comments, recommendations, and/or objections relevant to the granting
22 of a charter.

23 (c) A copy of the proposed charter for a district charter school at an existing public school
24 shall be provided to the collective bargaining agent for the teachers in the school district where
25 the district charter school is to be located at the time that it is filed with the school committee of
26 the district where the district charter school is to be located and the commissioner. The teachers
27 through their collective bargaining agent shall be afforded the opportunity to present their
28 analysis of and recommendations regarding the proposed charter to the school committee of the
29 district where the district charter school is to be located and the board of regents prior to any
30 determination by those entities. If the teachers' union objects to the proposed charter or to any
31 provision of it, it shall set forth the reasons for those objections in detail. These objections and
32 recommendations shall be considered and responded to by the school committee of the district
33 where the district charter school is to be located and the commissioner before making any
34 recommendation to the board of regents, and by the board of regents prior to its determination.

1 (d) The commissioner or the school committee of the district where the district charter
2 school is to be located will each decide on whether or not to recommend the granting of the
3 charter to the board of regents within ninety (90) days after the conclusion of the public comment
4 period.

5 (e) The commissioner or the school committee of the district where the district charter
6 school is to be located may recommend to the board of regents granting of a revocable charter for
7 a district charter school upon receiving a proposed charter.

8 (f) If the commissioner or the school committee of the district where the district charter
9 school is to be located recommends the granting of the proposed charter, the matter shall be
10 referred to the board of regents for a decision on whether to grant a charter. The board of regents
11 may grant a charter for a period of up to five (5) years. The decision of the board of regents,
12 complete with reasons and conditions, shall be made available to the public and to the applicant.
13 Charter public school approval for establishment or continuation shall be for up to a five (5) year
14 period. At the conclusion of each five (5) year period, the board of regents may conduct a
15 subsequent review of the district charter school's charter. If the board of regents does not
16 conduct such a review, the charter shall renew for another five (5) year period. The
17 commissioner, with approval of the board of regents, shall promulgate rules and regulations for
18 these five (5) year reviews.

19 (g) The commissioner, with the approval of the board of regents, may grant a variance to
20 any provision of title 16 other than those enumerated in section 16-77.1, and to any department of
21 education regulation and to any school district regulation which does not affect the health and
22 safety or civil rights of pupils in district charter schools.

23 (h) All proposed charters shall be matters of public record and will be provided to
24 members of the public upon request.

25 **16-77.2-4. Revocation of the charter of a district charter school. --** (a) The board of
26 regents may revoke the charter of a district charter school at any time, pursuant to section 16-77-
27 5.1, if the school:

- 28 (1) Materially violates any of the provisions contained in the charter;
- 29 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 30 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 31 (4) Violates provisions of law that have not been granted variance by the board of
32 regents; or

33 (5) After three (3) consecutive years of operation, is not a "high-performing charter
34 school," defined as a charter public school that has demonstrated overall success, including: (i)

1 Substantial progress in improving student achievement and (ii) The management and leadership
2 necessary to establish a thriving, financially viable charter public school.

3 (b) After denying or prior to non-renewing or revoking a charter, the department of
4 elementary and secondary education will hold a hearing on the issues in controversy under
5 section 16-39-1.

6 **16-77.2-5. Budgets and funding.** -- (a) It is the intent of the general assembly that
7 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive
8 to the establishment of a district charter school. Funding for each district charter school shall
9 consist of state revenue and municipal or district revenue in the same proportions that funding is
10 provided for other schools within the sending school district(s).

11 (b) The amount of funding which shall be allocated to the district charter school by the
12 sending school district(s) shall be equal to a percentage of the total budgeted expenses of the
13 sending school district(s) which is determined by dividing the number of students enrolled in the
14 district charter school by the total resident average daily number of students in the sending school
15 district(s).

16 (c) Funding additional to that authorized from the sending school district(s) by subsection
17 (b) may be allocated to the district charter school from the sending school district(s) to the extent
18 that the combined percentage of students eligible for free or reduced cost lunch, students with
19 limited English proficiency, and students requiring special education exceed the combined
20 percentage of those students in the sending school district(s) as a whole. The commissioner shall
21 promulgate rules and regulations consistent with this section regarding the allocation of funds
22 from sending school districts to district charter schools.

23 (d) All services centrally or otherwise provided by the school district in which the district
24 charter school is located which the district charter school decides to utilize including, but not
25 limited to, transportation, food services, custodial services, maintenance, curriculum, media
26 services, libraries, nursing, and warehousing, shall be subject to negotiation between a district
27 charter school and the school district in which the district charter school is located and paid for
28 out of the revenues of the district charter school. Disputes with regard to cost of services
29 requested from the school district in which the district charter school is located will be
30 adjudicated by the commissioner.

31 (e) A district charter school shall be eligible to receive other aids, grants, Medicaid
32 revenue, and other revenue according to Rhode Island law, as though it were a school district.
33 Federal aid received by the state shall be used to benefit students in the charter public school, if
34 the school qualifies for the aid, as though it were a school district.

1 (f) A district charter school may negotiate and contract directly with third parties for the
2 purchase of books, instructional materials, and any other goods and services which are not being
3 provided by the sending school district(s) pursuant to the charter.

4 (g) Any career/technical charter public school enrolling special education students from
5 outside school districts with verifiable individual education program (IEP) designations shall
6 receive from the sending school district(s) the average per pupil special education cost of the
7 sending district, in accordance with standards established by the Rhode Island department of
8 secondary and elementary education.

9 **16-77.2-6. Applicability of other provisions of title 16. -- The board of regents may**
10 **grant to district charter schools variances of specific chapters and sections of this title except to**
11 **the extent that these chapters and sections are enumerated in section 16-77.2-7.**

12 **16-77.2-7. Portions of title 16 applicable to district charter schools. -- The following**
13 **provisions of this title shall be binding on district charter schools and may not be waived by the**
14 **commissioner under section 16-77.2-3:**

15 (1) Section 16-2-2 (minimum length of school year);

16 (2) Section 16-2-17 (right to a safe school);

17 (3) Section 16-8-10 (federal funds for school lunch);

18 (4) Section 16-11-1 (certification of public school teachers);

19 (5) Section 16-12-3 (duty to cultivate principles of morality);

20 (6) Section 16-12-10 (immunity for report of suspected substance abuse);

21 (7) Chapter 13 (teachers' tenure);

22 (8) Chapter 16 (teachers' retirement);

23 (9) Section 16-19-1 (compulsory attendance);

24 (10) Section 16-20-1 (school holidays enumerated);

25 (11) Sections 16-21-3 and 16-21-4 (fire safety);

26 (12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);

27 (13) Section 16-22-9 (uniform testing);

28 (14) Section 16-24-2 (regulations of state board);

29 (15) Section 16-38-1 (discrimination because of race or age);

30 (16) Section 16-38-1.1 (discrimination because of sex);

31 (17) Section 16-38-2 (immunizations);

32 (18) Section 16-38-4 (exclusive club);

33 (19) Section 16-38-6 (commercial activities prohibited);

34 (20) Section 16-38-9 (misconduct of school officers);

1 a school; or

2 (2) Colleges or universities within the State of Rhode Island.

3 (b) No child shall be required to attend an independent charter school nor shall any
4 teacher be required to teach in an independent charter school. The sending school district shall
5 make accommodations for those students who wish to participate to transfer into an independent
6 charter school as space permits. If the total number of students who are eligible to attend and
7 apply to an independent charter school is greater than the number of spaces available, the
8 independent charter school shall conduct a lottery to determine which students shall be admitted.

9 **16-77.3-2. Procedure for creation of independent charter schools. -- (a) Any persons**
10 **or entities eligible to establish an independent charter public school may submit a proposed**
11 **charter to the commissioner. The proposed charter shall:**

12 (1) Be submitted to the commissioner no later than December 1st of the school year
13 before the school year in which the independent charter school is to be established;

14 (2) Describe a plan for education, including the mission, objective, method of providing a
15 basic education, measurable student academic goals that the independent charter school will meet,
16 and process for improving student learning and fulfilling the charter and fulfilling state and
17 national educational goals and standards;

18 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
19 year;

20 (4) Indicate performance criteria that will be used to measure student learning and to
21 comply with the charter, state, and national educational goals and standards;

22 (5) Include an agreement to provide a yearly report to parents, the community, the
23 sending school districts, and the commissioner, which indicates the progress made by the
24 independent charter school during the previous year in meeting the charter objectives;

25 (6) Present a plan for the governance, administration, and operation of the independent
26 charter school, including the manner in which the governing board of the school will be chosen,
27 the nature and extent of parental, professional educator, and community involvement in the
28 governance and operation of the independent charter school, and the means of ensuring
29 accountability to the commissioner, the sending school districts, and the board of regents;

30 (7) Identify the building that will house the independent charter school and from whom
31 and under what terms and conditions it is to be provided;

32 (8) Describe what support services will be provided by the sending school district(s) and
33 under what terms and conditions those services are to be provided, and describe what support
34 services the independent charter school will obtain directly from third parties and, to the extent

1 known, under what terms and conditions those services are to be provided;

2 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
3 and staff;

4 (10) Describe enrollment procedures including the permissible criteria for admission in
5 accordance with applicable state and federal law, along with a policy or policies that outline
6 outreach and recruitment programs to encourage the enrollment of a diverse student population;

7 (11) Explain the student discipline procedures;

8 (12) Explain the relationship that will exist between the proposed independent charter
9 school and its employees, including the terms and conditions of employment and the
10 qualifications that the employees must meet. Teachers and administrators in independent charter
11 schools must be certified pursuant to state law and regulation. Teachers and administrators in
12 independent charter schools shall be entitled to prevailing wages and benefits as enjoyed by other
13 Rhode Island public school teachers and administrators. Employment in an independent charter
14 school shall be considered "service" as that term is defined in chapter 16 of this title for purposes
15 of determining the appropriate step on a salary schedule for certified personnel. Employment in
16 an independent charter school can be considered "service" as that term is defined in chapter 16 of
17 this title for determining status in the teachers' retirement system. All employees and prospective
18 employees of an independent charter school shall be deemed to be public school employees,
19 having the same rights under Rhode Island and federal law as employees and prospective
20 employees at a non-chartered public school;

21 (13) Identify with particularity the state statutes, state regulations, and sending school
22 district(s) rules from which variances are sought in order to facilitate operation of the independent
23 charter school. Explain the reasons for each variance and the alternative method by which the
24 concern that gave rise to the regulation or provision will be addressed;

25 (14) Provide a financial plan including a proposed budget for the term of the charter, and
26 an annual audit of the financial and administrative operations of the independent charter school,
27 and the manner in which the funds allocated to the independent charter school will be managed
28 and disbursed;

29 (15) Provide procedures by which teaching personnel and parents can legally challenge
30 decisions of the governing board of the school which do not conform to the school's charter; and

31 (16) Provide a copy of the proposed bylaws of the independent charter school.

32 (c) Any nonprofit organization which seeks to establish an independent charter school
33 must submit its financial records and financial plan for operating the school to the auditor general,
34 who shall review the records, the financial plan, and the financial integrity of the organization. At

1 the time of submission of a proposed charter the financial records and financial recordkeeping
2 system of the nonprofit organization and the proposed financial plan for the independent charter
3 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
4 charter is being considered for preliminary approval by the board of regents, provide an initial
5 determination to the board of regents, the commissioner, and the speaker of the house of
6 representatives indicating that the auditor general is satisfied that the nonprofit organization is
7 financially responsible. Final approval for operation of the independent charter school shall not be
8 granted by the board of regents until the auditor general has approved the financial plan and
9 financial record keeping system and is satisfied that the nonprofit organization is financially
10 responsible. The auditor general shall notify the board of regents, the commissioner, and the
11 speaker of the house of representatives of the findings. During the year immediately preceding
12 the September in which the independent charter school is to begin operation, the charter applicant
13 shall make any additional submissions to the auditor general prescribed by the auditor general in
14 the initial determination. Additional submissions during the year prior to the September in which
15 the independent charter school is to begin operation shall include, but not be limited to, evidence
16 submitted to the auditor general not later than June 1st prior to the opening of the independent
17 charter school of the existence of an agreement, option for lease or purchase, lease agreement or
18 purchase agreement, contingent upon general assembly funding, for a facility in which the
19 independent charter school will operate in its first year of operation. The auditor general shall
20 have the authority to review independent charter schools affiliated with nonprofit organizations
21 on an annual basis or require the school to have an annual certified audit in accordance with the
22 same federal and state standards that are applicable to local public school districts. If as a result of
23 any annual audit the auditor general believes there are financial irregularities, the auditor general
24 shall withdraw the original approval and the board of regents shall withdraw its approval for the
25 independent charter school to continue operation.

26 **16-77.3-3. Process for consideration of proposed charter.** -- (a) If the commissioner
27 finds the proposed charter to be incomplete, further information may be requested and required.
28 The commissioner shall develop regulations for amending an approved charter, consistent with
29 the provisions of this chapter.

30 (b) After having received a satisfactory proposed charter, the commissioner will provide
31 for a public comment period of not less than sixty (60) days, during which they will hold at least
32 two (2) public hearings on the proposed charter. These hearings will be held in the district where
33 the proposed independent charter school is to be located. Any person may file with the
34 commissioner comments, recommendations, and/or objections relevant to the granting of a

1 charter.

2 (c) The commissioner will decide on whether or not to recommend the granting of the
3 charter to the board of regents within ninety (90) days after the conclusion of the public comment
4 period.

5 (d) If the commissioner recommends the granting of the proposed charter, the matter shall
6 be referred to the board of regents for a decision on whether to grant a revocable charter. The
7 board of regents may grant a charter for a period of up to five (5) years. The decision of the
8 board of regents, complete with reasons and conditions, shall be made available to the public and
9 to the applicant. Charter public school approval for establishment or continuation shall be for up
10 to a five (5) year period. At the conclusion of each five (5) year period, the board of regents may
11 conduct a subsequent review of the independent charter school's charter. If the board of regents
12 does not conduct such a review, the charter shall renew for another five (5) year period. The
13 commissioner, with approval of the board of regents, shall promulgate rules and regulations for
14 these five (5) year reviews.

15 (e) The commissioner, with the approval of the board of regents, may grant a variance to
16 any provision of title 16 other than those enumerated in section 16-77.3-7 and to any department
17 of education regulation and to any school district regulation which does not affect the health and
18 safety or civil rights of pupils in independent charter schools.

19 (f) All proposed charters shall be matters of public record and will be provided to
20 members of the public upon request.

21 **16-77.3-4. Revocation of the charter of an independent charter school. -- (a) The**
22 **board of regents may revoke the charter of an independent charter school at any time, pursuant to**
23 **section 16-77-5.1, if the school:**

24 (1) Materially violates any provision contained in the charter;

25 (2) Fails to meet or pursue the educational objectives contained in the charter;

26 (3) Fails to comply with fiscal accountability procedures as specified in the charter;

27 (4) Violates provisions of law that have not been granted variance by the board of
28 regents; or

29 (5) After three (3) consecutive years of operation, is not a "high-performing charter
30 school," defined as a charter public school that has demonstrated overall success, including: (i)
31 Substantial progress in improving student achievement and (ii) The management and leadership
32 necessary to establish a thriving, financially viable charter public school.

33 (b) After denying or prior to non-renewing or revoking a charter, the department of
34 elementary and secondary education will hold a hearing on the issues in controversy under

1 section 16-39-1.

2 **16-77.3-5. Budgets and funding.** -- (a) It is the intent of the general assembly that
3 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive
4 to the establishment of an independent charter school. Funding for each independent charter
5 school shall consist of state revenue and municipal or district revenue in the same proportions that
6 funding is provided for other schools within the sending school district(s).

7 (b) The amount of funding which shall be allocated to the independent charter school by
8 the sending school district(s) shall be equal to a percentage of the total budgeted expenses of the
9 sending school district(s) which is determined by dividing the number of students enrolled in the
10 district charter school by the total resident average daily number of students in the sending school
11 district(s).

12 (c) Funding additional to that authorized from the sending school district(s) by subsection
13 (b) may be allocated to the independent charter school from the sending school district(s) to the
14 extent that the combined percentage of students eligible for free or reduced cost lunch, students
15 with limited English proficiency, and students requiring special education exceed the combined
16 percentage of those students in the sending school district(s) as a whole. The commissioner shall
17 promulgate rules and regulations consistent with this section regarding the allocation of funds
18 from sending school districts to independent charter schools.

19 (d) An independent charter school shall be eligible to receive other aids, grants,
20 Medicaid revenue, and other revenue according to Rhode Island law, as though it were a school
21 district. Federal aid received by the state shall be used to benefit students in the independent
22 charter school, if the school qualifies for the aid, as though it were a school district.

23 (e) An independent charter school may negotiate and contract directly with third parties
24 for the purchase of books, instructional materials, and any other goods and services which are not
25 being provided by the sending school district(s) pursuant to the charter.

26 (f) Any career/technical charter public school enrolling special education students from
27 outside school districts with verifiable individual education program (IEP) designations shall
28 receive from the sending school district(s) the average per pupil special education cost of the
29 sending district, in accordance with standards established by the Rhode Island department of
30 elementary and secondary education.

31 **16-77.3-6. Applicability of other provisions of title 16.** -- The board of regents may
32 grant to independent charter schools variances of specific chapters and sections of this title except
33 to the extent that these chapters and sections are enumerated in section 16-77.3-7.

34 **16-77.3-7. Portions of title 16 applicability to independent charter schools.** -- The

1 following provisions of this title shall be binding on independent charter schools and may not be
2 waived by the commissioner under section 16-77.3-3:

- 3 (1) Section 16-2-2 (minimum length of school year);
- 4 (2) Section 16-2-17 (right to a safe school);
- 5 (3) Section 16-8-10 (federal funds for school lunch);
- 6 (4) Section 16-11-1 (certification of public school teachers);
- 7 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 8 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 9 (7) Chapter 13 (teachers' tenure);
- 10 (8) Chapter 16 (teachers' retirement);
- 11 (9) Section 16-19-1 (compulsory attendance);
- 12 (10) Section 16-20-1 (school holidays enumerated);
- 13 (11) Sections 16-21-3 and 16-21-4 (fire safety);
- 14 (12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 15 (13) Section 16-22-9 (uniform testing);
- 16 (14) Section 16-24-2 (regulations of state board);
- 17 (15) Section 16-38-1 (discrimination because of race or age);
- 18 (16) Section 16-38-1.1 (discrimination because of sex);
- 19 (17) Section 16-38-2 (immunizations);
- 20 (18) Section 16-38-4 (exclusive club);
- 21 (19) Section 16-38-6 (commercial activities prohibited);
- 22 (20) Section 16-38-9 (misconduct of school officers);
- 23 (21) Section 16-38-10 (power of officials to visit schools);
- 24 (22) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 25 (23) Section 16-39-2 (appeal of school committee actions to commissioner);
- 26 (24) Section 16-39-3 (appeal to state board);
- 27 (25) Section 16-39-3.1 (enforcement of final decision);
- 28 (26) Section 16-39-3.2 (interim protective orders);
- 29 (27) Section 16-39-8 (subpoena power of commissioner);
- 30 (28) Section 16-40-16 (student records);
- 31 (29) Section 16-71-1 (Educational Record Bill of Rights Act);
- 32 (30) Section 16-21-21.1 (penalties for drug, alcohol or weapons offense); and
- 33 (31) Chapter 16-21.5 (student interrogations).

34 **16-77.3-8. Charter school reporting. – (a) All independent charter schools shall**

1 continuously monitor their financial operations by tracking actual versus budgeted revenue and
2 expense. The chief financial officer of the independent charter school shall submit a report on a
3 quarterly basis to the state office of municipal affairs certifying the status of the independent
4 charter school budget. The quarterly reports shall be in a format prescribed by the state office of
5 municipal affairs and the state auditor general. The reports shall contain a statement as to whether
6 any actual or projected shortfalls in budget line items are expected to result in a year-end deficit,
7 the projected impact on year-end financial results including all accruals and encumbrances, and
8 how the independent charter school plans to address any such shortfalls.

9 (b) The auditor general or the state director of administration may petition the superior
10 court to order the independent charter school to file said reports. The director of administration
11 may also direct the state controller and general treasurer to withhold any funding to the
12 independent charter school until the school complies with the reporting requirements hereunder.
13 Failure to comply with this section shall be cause for the revocation of the school charter.

14 SECTION 6. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
15 by adding thereto the following chapter:

16 CHAPTER 77.4

17 MAYORAL ACADEMIES

18 **16-77.4-1. Entities eligible to apply to become a mayoral academy. --** (a) A “mayoral
19 academy” means a charter school created by a mayor of any city or town within the State of
20 Rhode Island, acting by or through a nonprofit organization established for said purpose
21 (regardless of the time said nonprofit organization is in existence), which enrolls students from
22 more than one city or town including both urban and non-urban communities and which offers an
23 equal number of enrollments to students on a lottery basis; provided, further, that such mayoral
24 academies shall have a board of trustees or directors which is comprised of representatives from
25 each included city or town and is chaired by a mayor of an included city or town. For purposes of
26 this chapter the term “mayor” shall include any elected town administrator.

27 (b) No child shall be required to attend a mayoral academy nor shall any teacher be
28 required to teach in a mayoral academy. The school committee of the district in which a mayoral
29 academy is located shall make accommodations to facilitate the transfer of students who do not
30 wish to participate in a mayoral academy into other public schools. It shall also make
31 accommodations for those students who wish to transfer into the mayoral academy as space
32 permits. If the total number of students who are eligible to attend and apply to a mayoral academy
33 is greater than the number of spaces available, the mayoral academy shall conduct a lottery to
34 determine which students shall be admitted.

1 **16-77.4-2. Procedure for creation of a mayoral academy. -- (a) Any persons or entities**
2 eligible to establish a mayoral academy may submit a proposed charter to the commissioner. The
3 proposed charter shall:

4 (1) Be submitted to the commissioner no later than December 1st of the school year
5 before the school year in which the mayoral academy is to be established;

6 (2) Describe a plan for education, including the mission, objective, method of providing a
7 basic education, measurable student academic goals that the mayoral academy will meet, and
8 process for improving student learning and fulfilling the charter and fulfilling state and national
9 educational goals and standards;

10 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
11 year;

12 (4) Indicate performance criteria that will be used to measure student learning and to
13 comply with the charter, state, and national educational goals and standards;

14 (5) Include an agreement to provide a yearly report to parents, the community, the school
15 committee of the sending districts, and the commissioner, which indicates the progress made by
16 the mayoral academy during the previous year in meeting the charter objectives;

17 (6) Present a plan for the governance, administration, and operation of the mayoral
18 academy, including the manner in which the governing board of the school will be chosen, the
19 nature and extent of parental, professional educator, and community involvement in the
20 governance and operation of the mayoral academy, and the means of ensuring accountability to
21 the commissioner, the sending school district(s), and the board of regents;

22 (7) Identify the building that will house the mayoral academy and from whom and under
23 what terms and conditions it is to be provided;

24 (8) Describe what support services will be provided by the sending school district(s) and
25 under what terms and conditions those services are to be provided, and describe what support
26 services the mayoral academy will obtain directly from third parties and, to the extent known,
27 under what terms and conditions those services are to be provided;

28 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
29 and staff;

30 (10) Describe enrollment procedures including the permissible criteria for admission in
31 accordance with applicable state and federal law, along with a policy or policies that outline
32 outreach and recruitment programs to encourage the enrollment of a diverse student population;

33 (11) Explain the student discipline procedures;

34 (12) Explain the relationship that will exist between the proposed mayoral academy and

1 its employees, including the terms and conditions of employment and the qualifications that the
2 employees must meet. Teachers and administrators in mayoral academies must be certified
3 pursuant to state law and regulation.

4 (13) Each mayoral academy established pursuant to this chapter may, by written notice to
5 the commissioner of elementary and secondary education, elect to have this subsection apply (or
6 not apply) to its teachers, administrators, and employees:

7 (I) Teachers and administrators in a mayoral academy shall be entitled to prevailing
8 wages and benefits as enjoyed by other public school teachers and administrators;

9 (ii) Teachers and administrators in a mayoral academy shall be entitled to participate in
10 the state teachers' retirement system under chapter 8 of title 36;

11 (iii) Employment in a mayoral academy shall be considered "service" as that term is
12 defined in chapter 16 of this title.

13 (14) Identify with particularity the state laws, state regulations, and school district rules
14 from which variances are sought in order to facilitate operation of the mayoral academy. Explain
15 the reasons for each variance and the alternative method by which the concern that gave rise to
16 the regulation or provision will be addressed;

17 (15) Provide a financial plan including a proposed budget for the term of the charter, and
18 an annual audit of the financial and administrative operations of the mayoral academy, and the
19 manner in which the funds allocated to the mayoral academy will be managed and disbursed;

20 (16) Provide procedures by which teaching personnel and parents can legally challenge
21 decisions of the governing board of the mayoral academy which do not conform to the mayoral
22 academy's charter; and

23 (17) Provide a copy of the proposed bylaws of the mayoral academy.

24 **16-77.4-3. Process for consideration of proposed charter. -- (a) If the commissioner**
25 **finds the proposed charter to be incomplete, further information may be requested and required.**
26 **The commissioner shall develop regulations for amending an approved charter, consistent with**
27 **the provisions of this chapter.**

28 **(b) After having received a satisfactory proposed charter, the commissioner will provide**
29 **for a public comment period of not less than sixty (60) days, during which they will hold at least**
30 **two (2) public hearings on the proposed charter. These hearings will be held in the district where**
31 **the proposed mayoral academy is to be located. Any person may file with the committee and/or**
32 **the commissioner comments, recommendations, and/or objections relevant to the granting of a**
33 **charter.**

34 **(c) The commissioner will decide whether to recommend the granting of the charter to**

1 the board of regents within ninety (90) days after the conclusion of the public comment period.

2 (d) If the commissioner recommends the granting of the proposed charter, the matter shall
3 be referred to the board of regents for a decision on whether to grant a charter. The board of
4 regents may grant a charter for a period of up to five (5) years. The decision of the board of
5 regents, complete with reasons and conditions, shall be made available to the public and to the
6 applicant. Charter public school approval for establishment or continuation shall be for up to a
7 five (5) year period. At the conclusion of each five (5) year period, the board of regents may
8 conduct a subsequent review of the mayoral academy’s charter. If the board of regents does not
9 conduct such a review, the charter shall renew for another five (5) year period. The
10 commissioner, with approval of the board of regents, shall promulgate rules and regulations for
11 these five (5) year reviews.

12 (e) The commissioner, with the approval of the board of regents, may grant a variance to
13 any provision of title 16 other than those enumerated in section 16-77.4-7 and to any department
14 of education regulation and to any school district regulation which does not affect the health and
15 safety or civil rights of pupils in a mayoral academy.

16 (f) All proposed charters shall be matters of public record and will be provided to
17 members of the public upon request.

18 **16-77.4-4. Revocation of the charter of a mayoral academy.** -- (a) The board of
19 regents may revoke the charter of a mayoral academy at any time, pursuant to section 16-77-5.1,
20 if the school:

- 21 (1) Materially violates provisions contained in the charter;
- 22 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 23 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 24 (4) Violates provisions of law that have not been granted variance by the board of
25 regents; or
- 26 (5) After three (3) consecutive years of operation, is not a “high-performing charter
27 school,” defined as a charter public school that has demonstrated overall success, including: (i)
28 Substantial progress in improving student achievement and (ii) The management and leadership
29 necessary to establish a thriving, financially viable charter public school.

30 (b) After denying or prior to non-renewing or revoking a charter, the department of
31 elementary and secondary education will hold a hearing on the issues in controversy under
32 section 16-39-1.

33 **16-77.4-5. Budgets and funding.** -- (a) It is the intent of the general assembly that
34 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive

1 to the establishment of a mayoral academy. Funding for each mayoral academy shall consist of
2 state revenue and municipal or district revenue in the same proportions that funding is provided
3 for other schools within the sending school district(s).

4 (b) The amount of funding which shall be allocated to the mayoral academy by the
5 sending school district(s) shall be equal to a percentage of the total budgeted expenses of the
6 sending school district(s) which is determined by dividing the number of students enrolled in the
7 mayoral academy by the total resident average daily number of students in the sending school
8 district(s).

9 (c) Funding additional to that authorized from the sending school district(s) by subsection
10 (b) may be allocated to the mayoral academy from the sending school district(s) to the extent that
11 the combined percentage of students eligible for free or reduced cost lunch, students with limited
12 English proficiency, and students requiring special education exceed the combined percentage of
13 those students in the sending school district(s) as a whole. The commissioner shall promulgate
14 rules and regulations consistent with this section regarding the allocation of funds from sending
15 school districts to mayoral academies.

16 (d) A mayoral academy shall be eligible to receive other aids, grants, Medicaid revenue,
17 and other revenue according to Rhode Island law, as though it were a school district. Federal aid
18 received by the state shall be used to benefit students in a mayoral academy, if the school
19 qualifies for the aid, as though it were a school district.

20 (e) A mayoral academy may negotiate and contract directly with third parties for the
21 purchase of books, instructional materials, and any other goods and services which are not being
22 provided by the sending school district(s) pursuant to the charter.

23 (f) Any career/technical charter public school enrolling special education students from
24 outside school districts with verifiable individual education program (IEP) designations shall
25 receive from the sending school district(s) the average per pupil special education cost of the
26 sending district(s), in accordance with standards established by the Rhode Island department of
27 elementary and secondary education.

28 **16-77.4-6. Applicability of other provisions of title 16. --** The board of regents may
29 grant to mayoral academies variances of specific chapters and sections of this title except to the
30 extent that these chapters and sections are enumerated in section 16-77.4-7.

31 **16-77.4-7. Portions of title 16 applicable to mayoral academies. --** The following
32 provisions of this title shall be binding on mayoral academies and may not be waived by the
33 commissioner under section 16-77.4-3:

34 (1) Section 16-2-2 (minimum length of school year);

- 1 (2) Section 16-2-17 (right to a safe school);
- 2 (3) Section 16-8-10 (federal funds for school lunch);
- 3 (4) Section 16-11-1 (certification of public school teachers);
- 4 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 5 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 6 (7) Section 16-19-1 (compulsory attendance);
- 7 (8) Section 16-20-1 (school holidays enumerated);
- 8 (9) Sections 16-21-3 and 16-21-4 (fire safety);
- 9 (10) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 10 (11) Section 16-22-9 (uniform testing);
- 11 (12) Section 16-24-2 (regulations of state board);
- 12 (13) Section 16-38-1 (discrimination because of race or age);
- 13 (14) Section 16-38-1.1 (discrimination because of sex);
- 14 (15) Section 16-38-2 (immunizations);
- 15 (16) Section 16-38-4 (exclusive club);
- 16 (17) Section 16-38-6 (commercial activities prohibited);
- 17 (18) Section 16-38-9 (misconduct of school officers);
- 18 (19) Section 16-38-10 (power of officials to visit schools);
- 19 (20) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 20 (21) Section 16-39-2 (appeal of school committee actions to commissioner);
- 21 (22) Section 16-39-3 (appeal to state board);
- 22 (23) Section 16-39-3.1 (enforcement of final decision);
- 23 (24) Section 16-39-3.2 (interim protective orders);
- 24 (25) Section 16-39-8 (subpoena power of commissioner);
- 25 (26) Section 16-40-16 (student records);
- 26 (27) Section 16-71-1 (Educational Record Bill of Rights Act);
- 27 (28) Section 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
- 28 (29) Chapter 16-21.5 (Student interrogations);
- 29 **16-77.4-8. Mayoral academy reporting.** – (a) All mayoral academies shall continuously
- 30 monitor their financial operations by tracking actual versus budgeted revenue and expense. The
- 31 chief financial officer of a mayoral academy shall submit a report on a quarterly basis to the state
- 32 office of municipal affairs certifying the status of that mayoral academy’s budget. The quarterly
- 33 reports shall be in a format prescribed by the state office of municipal affairs and the state auditor
- 34 general. The reports shall contain a statement as to whether any actual or projected shortfalls in

1 budget line items are expected to result in a year-end deficit, the projected impact on year-end
2 financial results including all accruals and encumbrances, and how the mayoral academy plans to
3 address any such shortfalls.

4 (b) The auditor general or the state director of administration may petition the superior
5 court to order a mayoral academy to file said reports. The director of administration may also
6 direct the state controller and general treasurer to withhold any funding to a mayoral academy
7 until the school complies with the reporting requirements hereunder. Failure to comply with this
8 section shall be cause for the revocation of the school charter.

9 SECTION 7. This act shall take effect upon passage.

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LC02100/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would provide a new structure for the creation, operation and funding of charter
2 schools. The act would also make distinctions for district charter schools, independent charters
3 and mayoral academies.

4 This act would take effect upon passage.

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LC02100/SUB A
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