STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2015

AN ACT
RELATING TO EDUCATION - CHARTER SCHOOLS

Introduced By: Representatives O'Grady, Amore, Fogarty, Regunberg, and O'Brien
Date Introduced: February 25, 2015
Referred To: House Finance

It is enacted by the General Assembly as follows:

SECTION 1. Section 16-77.2-3 of the General Laws in Chapter 16-77.2 entitled "District charter school [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

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

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

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

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

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

(f) If the commissioner or the school committee of the district where the district charter
school is to be located recommends the granting of the proposed charter, the matter shall be
referred to the board of regents for a decision on whether to grant a charter. Provided, if the board
is asked to approve an application for a new district charter school or the expansion of seats in an
existing district charter school, the board shall, prior to granting any such approval, make an
affirmative finding that the proposed school or the proposed expansion shall not have a
detrimental effect on the finances and/or the academic performance of the sending districts
affected by the new school or the expansion. The board of regents may grant a charter for a
period of up to five (5) years. The decision of the board of regents, complete with reasons and
conditions, shall be made available to the public and to the applicant. Charter public school
approval for establishment or continuation shall be for up to a five (5) year period. At the
conclusion of each five (5) year period, the board of regents may conduct a subsequent review of
the district charter school's charter. If the board of regents does not conduct such a review, the
charter shall renew for another five (5) year period. The commissioner, with approval of the
board of regents, shall promulgate rules and regulations for these five (5) year reviews.

(g) The commissioner, with the approval of the board of regents, may grant a variance to
any provision of title 16 other than those enumerated in section 16-77.1, and to any department of
education regulation and to any school district regulation which does not affect the health and
safety or civil rights of pupils in district charter schools.
(h) All proposed charters shall be matters of public record and will be provided to members of the public upon request.

SECTION 2. Section 16-77.3-3 of the General Laws in Chapter 16-77.3 entitled "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

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

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

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

(d) If the commissioner recommends the granting of the proposed charter, the matter shall be referred to the board of regents for a decision on whether to grant a revocable charter. Provided, if the board is asked to approve an application for a new independent charter school or the expansion of seats in an existing independent charter school, the board shall, prior to granting any such approval, make an affirmative finding that the proposed school or the proposed expansion shall not have a detrimental effect on the finances and/or the academic performance of the sending districts affected by the new school or the expansion. The board of regents may grant a charter for a period of up to five (5) years. The decision of the board of regents, complete with reasons and conditions, shall be made available to the public and to the applicant. Charter public school approval for establishment or continuation shall be for up to a five (5) year period. At the conclusion of each five (5) year period, the board of regents may conduct a subsequent review of the independent charter school's charter. If the board of regents does not conduct such a review, the charter shall renew for another five (5) year period. The commissioner, with approval of the board of regents, shall promulgate rules and regulations for these five (5) year reviews.

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

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

SECTION 3. Section 16-77.4-3 of the General Laws in Chapter 16-77.4 entitled
“Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]” is
hereby amended to read as follows:

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

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

(c) The commissioner will decide whether to recommend the granting of the charter to
the board of regents education within ninety (90) days after the conclusion of the public comment
period.

(d) If the commissioner recommends the granting of the proposed charter, the matter
shall be referred to the board of regents for a decision on whether to grant a charter. Provided, if
the board is asked to approve an application for a new mayoral academy or the expansion of seats
in an existing mayoral academy, the board shall, prior to granting any such approval, make an
affirmative finding that the proposed school or the proposed expansion shall not have a
detrimental effect on the finances and/or the academic performance of the sending districts
affected by the new school or the expansion. The board of regents may grant a charter for a
period of up to five (5) years. The decision of the board of regents, complete with reasons and
conditions, shall be made available to the public and to the applicant. Charter public school
approval for establishment or continuation shall be for up to a five (5) year period. At the
conclusion of each five (5) year period, the board of regents may conduct a subsequent review of
the mayoral academy's charter. If the board of regents does not conduct such a review, the charter
shall renew for another five (5) year period. The commissioner, with approval of the board of
regents, shall promulgate rules and regulations for these five (5) year reviews.
(e) The commissioner, with the approval of the board of regents, may grant a variance to any provision of title 16 other than those enumerated in § 16-77.4-7 and to any department of education regulation and to any school district regulation which does not affect the health and safety or civil rights of pupils in a mayoral academy.

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

SECTION 4. This act shall take effect upon passage.
This act would require the board of education, prior to granting approval for either a new charter school or the expansion of an existing charter school, to first make an affirmative finding that the proposed school or the proposed expansion would not have a detrimental effect on the finances and/or the academic performance of the sending districts affected by the new school or the expansion.

This act would take effect upon passage.