

2015 -- H 5555 AS AMENDED

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LC001491
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

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:

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

4 **16-77.2-3. Process for consideration of proposed charter.** -- (a) If the commissioner or
5 the school committee of the district where the district charter school is to be located finds the
6 proposed charter to be incomplete, further information may be requested and required. The
7 commissioner shall develop regulations for amending an approved charter, consistent with the
8 provisions of this chapter.

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

15 (c) A copy of the proposed charter for a district charter school at an existing public
16 school shall be provided to the collective bargaining agent for the teachers in the school district
17 where the district charter school is to be located at the time that it is filed with the school
18 committee of the district where the district charter school is to be located and the commissioner.
19 The teachers through their collective bargaining agent shall be afforded the opportunity to present

1 their analysis of and recommendations regarding the proposed charter to the school committee of
2 the district where the district charter school is to be located and the ~~board of regents~~ council on
3 elementary and secondary education (hereinafter the "council") prior to any determination by
4 those entities. If the teachers' union objects to the proposed charter or to any provision of it, it
5 shall set forth the reasons for those objections in detail. These objections and recommendations
6 shall be considered and responded to by the school committee of the district where the district
7 charter school is to be located and the commissioner before making any recommendation to the
8 ~~board of regents~~ council, and by the ~~board of regents~~ council prior to its determination.

9 (d) The commissioner or the school committee of the district where the district charter
10 school is to be located will each decide on whether or not to recommend the granting of the
11 charter to the ~~board of regents~~ council on elementary and secondary education within ninety (90)
12 days after the conclusion of the public comment period.

13 (e) The commissioner or the school committee of the district where the district charter
14 school is to be located may recommend to the ~~board of regents~~ council on elementary and
15 secondary education the granting of a revocable charter for a district charter school upon
16 receiving a proposed charter.

17 (f) If the commissioner or the school committee of the district where the district charter
18 school is to be located recommends the granting of the proposed charter, the matter shall be
19 referred to the ~~board of regents~~ council on elementary and secondary education for a decision on
20 whether to grant a charter. Provided, if the council is asked to approve an application for a new
21 district charter school or the expansion of seats in an existing district charter school, the council
22 shall, prior to granting any such approval, make an affirmative finding that the proposed school or
23 the proposed expansion shall not have a detrimental effect on the finances and/or the academic
24 performance of the sending districts affected by the new school or the expansion. Provided
25 further, any charter school already approved by the council on elementary and secondary
26 education, and any charter school seeking to expand up to, and including, its maximum capacity
27 as set forth in the school's original charter which has been approved, prior to the effective date of
28 this act, shall not be limited or prohibited by this section. The ~~board of regents~~ council on
29 elementary and secondary education may grant a charter for a period of up to five (5) years. The
30 decision of the ~~board of regents~~ council on elementary and secondary education, complete with
31 reasons and conditions, shall be made available to the public and to the applicant. Charter public
32 school approval for establishment or continuation shall be for up to a five (5) year period. At the
33 conclusion of each five (5) year period, the ~~board of regents~~ council on elementary and secondary
34 education may conduct a subsequent review of the district charter school's charter. If the ~~board of~~

1 ~~regents~~ [council on elementary and secondary education](#) does not conduct such a review, the
2 charter shall renew for another five (5) year period. The commissioner, with approval of the
3 ~~board-of-regents~~ [council on elementary and secondary education](#), shall promulgate rules and
4 regulations for these five (5) year reviews.

5 (g) The commissioner, with the approval of the ~~board-of-regents~~ [council on elementary](#)
6 [and secondary education](#), may grant a variance to any provision of title 16 other than those
7 enumerated in section 16-77.1, and to any department of education regulation and to any school
8 district regulation which does not affect the health and safety or civil rights of pupils in district
9 charter schools.

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

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

15 **16-77.3-3. Process for consideration of proposed charter.** -- (a) If the commissioner
16 finds the proposed charter to be incomplete, further information may be requested and required.
17 The commissioner shall develop regulations for amending an approved charter, consistent with
18 the provisions of this chapter.

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

25 (c) The commissioner will decide on whether or not to recommend the granting of the
26 charter to the ~~board-of-regents~~ [council on elementary and secondary education \(hereinafter the](#)
27 ["council"\)](#) within ninety (90) days after the conclusion of the public comment period.

28 (d) If the commissioner recommends the granting of the proposed charter, the matter
29 shall be referred to the ~~board-of-regents~~ [council on elementary and secondary education](#) for a
30 decision on whether to grant a revocable charter. [Provided, if the council is asked to approve an](#)
31 [application for a new independent charter school or the expansion of seats in an existing](#)
32 [independent charter school, the council shall, prior to granting any such approval, make an](#)
33 [affirmative finding that the proposed school or the proposed expansion shall not have a](#)
34 [detrimental effect on the finances and/or the academic performance of the sending districts](#)

1 affected by the new school or the expansion. Provided further, any independent charter school
2 already approved by the council on elementary and secondary education, and any independent
3 charter school seeking to expand up, to and including, its maximum capacity as set forth in the
4 school's original charter which has been approved, prior to the effective date of this act, shall not
5 be limited or prohibited by this section. The ~~board-of-regents~~ council on elementary and
6 secondary education may grant a charter for a period of up to five (5) years. The decision of the
7 ~~board-of-regents~~ council on elementary and secondary education, complete with reasons and
8 conditions, shall be made available to the public and to the applicant. Charter public school
9 approval for establishment or continuation shall be for up to a five (5) year period. At the
10 conclusion of each five (5) year period, the ~~board-of-regents~~ council on elementary and secondary
11 education may conduct a subsequent review of the independent charter school's charter. If the
12 ~~board-of-regents~~ council on elementary and secondary education does not conduct such a review,
13 the charter shall renew for another five (5) year period. The commissioner, with approval of the
14 ~~board-of-regents~~ council on elementary and secondary education, shall promulgate rules and
15 regulations for these five (5) year reviews.

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

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

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

26 **16-77.4-3. 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 mayoral academy is to be located. Any person may file with the committee and/or
34 the commissioner comments, recommendations, and/or objections relevant to the granting of a

1 charter.

2 (c) The commissioner will decide whether to recommend the granting of the charter to
3 the ~~board of regents~~ [council on elementary and secondary education](#) within ninety (90) days after
4 the conclusion of the public comment period.

5 (d) If the commissioner recommends the granting of the proposed charter, the matter
6 shall be referred to the ~~board of regents~~ [council on elementary and secondary education](#) for a
7 decision on whether to grant a charter. [Provided, if the council is asked to approve an application](#)
8 [for a new mayoral academy or the expansion of seats in an existing mayoral academy, the council](#)
9 [shall, prior to granting any such approval, make an affirmative finding that the proposed school or](#)
10 [the proposed expansion shall not have a detrimental effect on the finances and/or the academic](#)
11 [performance of the sending districts affected by the new school or the expansion. Provided](#)
12 [further, any mayoral academy already approved by the council on elementary and secondary](#)
13 [education, and any mayoral academy seeking to expand up to, and including, its maximum](#)
14 [capacity as set forth in the school's original charter which has been approved, prior to the](#)
15 [effective date of this act, shall not be limited or prohibited by this section.](#)

16 The ~~board of regents~~ [council on elementary and secondary education](#) may grant a charter
17 for a period of up to five (5) years. The decision of the ~~board of regents~~ [council on elementary](#)
18 [and secondary education](#), complete with reasons and conditions, shall be made available to the
19 public and to the applicant. Charter public school approval for establishment or continuation shall
20 be for up to a five (5) year period. At the conclusion of each five (5) year period, the ~~board of~~
21 ~~regents~~ [council on elementary and secondary education](#) may conduct a subsequent review of the
22 mayoral academy's charter. If the ~~board of regents~~ [council on elementary and secondary](#)
23 [education](#) does not conduct such a review, the charter shall renew for another five (5) year period.
24 The commissioner, with approval of the ~~board of regents~~ [council on elementary and secondary](#)
25 [education](#), shall promulgate rules and regulations for these five (5) year reviews.

26 (e) The commissioner, with the approval of the ~~board of regents~~ [council on elementary](#)
27 [and secondary education](#), may grant a variance to any provision of title 16 other than those
28 enumerated in § 16-77.4-7 and to any department of education regulation and to any school
29 district regulation which does not affect the health and safety or civil rights of pupils in a mayoral
30 academy.

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

33 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - CHARTER SCHOOLS

1 This act would require the council on elementary and secondary education, prior to
2 granting approval for either a new charter school or the expansion of an existing charter school, to
3 first make an affirmative finding that the proposed school or the proposed expansion would not
4 have a detrimental effect on the finances and/or the academic performance of the sending districts
5 affected by the new school or the expansion.

6 This act would take effect upon passage.

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