

2019 -- H 5522

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO EDUCATION -- INDEPENDENT CHARTER SCHOOLS

Introduced By: Representative Jean Phillippe Barros

Date Introduced: February 25, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77.3-3 of the General Laws in Chapter 16-77.3 entitled  
2 "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education  
3 Act]" is hereby amended to read as follows:

4 **16-77.3-3. Process for consideration of proposed charter or expansion.**

5 (a) If the commissioner finds the proposed charter to be incomplete, further information  
6 may be requested and required. The commissioner shall develop regulations for amending an  
7 approved charter, consistent with the provisions of this chapter and § 16-77-5.1.

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

14 (c) The commissioner will decide on whether or not to recommend the granting of the  
15 charter or expansion to the council on elementary and secondary education within ninety (90)  
16 days after the conclusion of the public-comment period.

17 (d) If the commissioner recommends the granting of the proposed charter or amendment  
18 for expansion, the matter shall be referred to the council on elementary and secondary education  
19 for a decision on whether to grant a revocable charter or expansion. The council on elementary

1 and secondary education may grant a charter for a period of up to five (5) years. The decision of  
2 the council on elementary and secondary education, complete with reasons and conditions, shall  
3 be made available to the public and to the applicant. Charter public school approval for  
4 establishment or continuation shall be for up to a five-year (5) period. At the conclusion of each  
5 five-year (5) period, the council on elementary and secondary education may conduct a  
6 subsequent review of the independent charter school's charter. If the council on elementary and  
7 secondary education does not conduct such a review, the charter shall renew for another five-year  
8 (5) period. The commissioner, with approval of the council on elementary and secondary  
9 education, shall promulgate rules and regulations for these five-year (5) reviews.

10 (e) In considering a proposed charter, or an amendment to a charter for expansion, the  
11 council on elementary and secondary education shall consider all relevant information, including,  
12 but not limited to, the requirements of regulations and law.

13 (f) The office of auditor general shall have the responsibility to analyze the fiscal and  
14 programmatic impact of any proposed charter or amendment to a charter for expansion on the  
15 underlying sending school districts and shall report their findings to the general assembly and the  
16 council on elementary and secondary education. In considering a proposed charter, or an  
17 amendment to a charter for expansion, the council on elementary and secondary education shall  
18 place ~~substantial~~ predominate weight on the fiscal impact on the city or town; programmatic  
19 impact on the sending school district; and the educational impact on the students in the district as  
20 reported by the office of auditor general to ensure that the proposal is economically prudent for  
21 the city or town and academically prudent for the proposed sending school district and for all  
22 students in the sending district.

23 (g) The commissioner, with the approval of the council on elementary and secondary  
24 education, may grant a variance to any provision of title 16, other than those enumerated in § 16-  
25 77.3-7, and to any department of education regulation and to any school district regulation that  
26 does not affect the health and safety or civil rights of pupils in independent charter schools.

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

29 SECTION 2. 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 -- INDEPENDENT CHARTER SCHOOLS

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- 1           This act would provide that the office of auditor general be responsible for analyzing and
- 2 reporting the impact of new or expanded charter schools.
- 3           This act would take effect upon passage.

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