

2020 -- H 7441

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO EDUCATION

Introduced By: Representatives Millea, O'Brien, Phillips, Hawkins, and Amore

Date Introduced: February 05, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77-3.1 of the General Laws in Chapter 16-77 entitled
2 "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" is hereby amended to read as follows:

4 **16-77-3.1. Legislative purpose.**

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

10 (b) Charter public schools are intended to be vanguards, laboratories, and an expression
11 of the on-going and vital state interest in the improvement of education. Notwithstanding the
12 provisions of this section or any law to the contrary, a charter school shall be deemed to be a
13 public school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C.
14 § 6101, et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., title IX of the
15 educational amendments of 1972, 20 U.S.C. § 1681, et seq., § 794 of title 29, and part B of the
16 Individuals With Disabilities Education Act, 20 U.S.C. § 1411, et seq. All students and
17 prospective students of a charter school shall be deemed to be public school students, having all
18 the same rights under federal and Rhode Island law as students and prospective students at a non-
19 chartered public school. These charter public schools shall be vehicles for research and

1 development in areas such as curriculum, pedagogy, administration, materials, facilities,
2 governance, parent relations and involvement, social development, instructor's and administrator's
3 responsibilities, working conditions, student performance and fiscal accountability. It is the intent
4 of the general assembly to create within the public school system vehicles for innovative learning
5 opportunities to be utilized and evaluated in pilot projects. The provisions of this chapter are to be
6 interpreted liberally to support the purposes set forth in this chapter and to advance a renewed
7 commitment by the state to the mission, goals, and diversity of public education.

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

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

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

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

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

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

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

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

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

32 (e) The commissioner is empowered to promulgate rules and regulations consistent with
33 this chapter, in conformance with chapter 35 of title 42, for the creation and operation of charter
34 public schools. These rules and regulations shall set forth the process for rescission of state

1 approval of a charter public school, including appropriate protections to ensure the continued
2 provision of education services to the students of the charter public school whose charter is
3 rescinded.

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

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

10 (h) The council on elementary and secondary education shall not grant preliminary
11 approval or final approval for any new charter school to begin operation in the 2021-2022, 2022-
12 2023 or 2023-2024 school years. The council on elementary and secondary education shall not
13 grant preliminary approval or final approval for any charter school expansion to be effective in
14 the 2021-2022, 2022-2023 or 2023-2024 school years. These restrictions shall be waived upon
15 enactment of revisions to the charter school funding formula in § 16-7.2-5.

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

19 **16-77.2-2. Procedure for creation of district charter schools.**

20 (a) Any persons or entities eligible to establish a district charter school may submit a
21 proposed charter to the commissioner and the school committee of the district where the district
22 charter school is to be located. The proposed charter shall:

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

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

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

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

34 (5) Include an agreement to provide a yearly report to parents, the community, the school

1 committee of the district where the district charter school is to be located, and the commissioner,
2 which indicates the progress made by the district charter school during the previous year in
3 meeting the charter objectives;

4 (6) Present a plan for the governance, administration, and operation of the district charter
5 school, including the manner in which the governing board of the school will be chosen, the
6 nature and extent of parental, professional educator, and community involvement in the
7 governance and operation of the district charter school, and the means of ensuring accountability
8 to the commissioner, the school district of the district where the district charter school is to be
9 located, and the board of regents;

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

12 (8) Describe what support services will be provided by the school district and under what
13 terms and conditions those services are to be provided, and describe what support services the
14 district charter school will obtain directly from third-parties and, to the extent known, under what
15 terms and conditions those services are to be provided;

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

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

21 (11) Explain the student discipline procedures;

22 (12) Explain the relationship that will exist between the proposed district charter school
23 and its employees, including the terms and conditions of employment and the qualifications that
24 the employees must meet. Teachers and administrators in district charter schools must be certified
25 pursuant to state law and regulation. Teachers and administrators in district charter schools shall
26 be entitled to prevailing wages and benefits as enjoyed by other public school teachers and
27 administrators within the school district where the district charter school is to be located and to
28 the state teachers' retirement system under chapter 8 of title 36. Employment in a district charter
29 school shall be considered "service" as that term is defined in chapter 16 of this title. All
30 employees and prospective employees of a district charter school shall be deemed to be public
31 school employees, having the same rights, including retirement, under Rhode Island and federal
32 law as employees and prospective employees at a non-chartered public school.

33 (13) Identify with particularity the state statutes, state regulations, and school district
34 rules from which variances are sought in order to facilitate operation of the district charter school.

1 Explain the reasons for each variance and the alternative method by which the concern that gave
2 rise to the regulation or provision will be addressed;

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

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

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

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

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

20 (c) In those instances where a charter is being sought for a newly created district charter
21 school, the proposed charter must receive the affirmative support of a number of certified
22 teachers employed within the school district where the district charter school is to be located at
23 least equal to two-thirds (2/3) of the number of teachers that will be required to staff the proposed
24 district charter school. The teachers who affirmatively support the proposed charter must state
25 their desire to transfer to the district charter school, once established, and to teach under the terms
26 of the charter. To demonstrate parental support within the school district, the charter must receive
27 the affirmative support of parents or legal guardians representing a number of students currently
28 enrolled in the school district equal to at least one-half (1/2) of the number of students who would
29 be needed to attend the proposed district charter school. The parents or guardians must state their
30 desire to have their children transfer to the district charter school, once established, and to be
31 educated under the terms of the charter. The charter may then be presented by the commissioner
32 to the board of regents for its approval. The charter shall set forth those provisions of state statute,
33 regulation, and school district rules which will not be applicable to that district charter school

34 (d) By approval of the charter upon the recommendation of the commissioner, the board

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

7 (e) The council on elementary and secondary education shall not grant preliminary
8 approval or final approval for any district charter school to begin operation in the 2021-2022,
9 2022-2023 or 2023-2024 school years. The council on elementary and secondary education shall
10 not grant preliminary approval or final approval for any district charter school expansion to be
11 effective in the 2021-2022, 2022-2023 or 2023-2024 school years. These restrictions shall be
12 waived upon enactment of revisions to the charter school funding formula in § 16-7.2-5.

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

16 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

17 (a) Any persons or entities eligible to establish an independent charter public school may
18 submit a proposed charter, or an amendment to a charter for an expansion, to the commissioner.
19 For purposes of this chapter, "expansion" shall be an increase in total enrollment; an increase in
20 the grade levels previously authorized in the charter, or the addition of a school district to the
21 catchment area. The proposed charter shall:

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

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

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

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

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

1 (6) Present a plan for the governance, administration, and operation of the independent
2 charter school, including the manner in which the governing board of the school will be chosen,
3 the nature and extent of parental, professional educator, and community involvement in the
4 governance and operation of the independent charter school, and the means of ensuring
5 accountability to the commissioner, the sending school districts, and the council on elementary
6 and secondary education;

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

9 (8) Describe what support services will be provided by the sending school district(s), and
10 under what terms and conditions those services are to be provided, and describe what support
11 services the independent charter school will obtain directly from third parties and, to the extent
12 known, under what terms and conditions those services are to be provided;

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

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

18 (11) Explain the student discipline procedures;

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

32 (13) Identify, with particularity, the state statutes, state regulations, and sending school
33 district(s) rules from which variances are sought in order to facilitate operation of the independent
34 charter school. Explain the reasons for each variance and the alternative method by which the

1 concern that gave rise to the regulation or provision will be addressed;

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

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

8 (16) Provide a copy of the proposed bylaws of the independent charter school; and

9 (17) Provide written support from town or city council(s) in the proposed catchment area
10 if required pursuant to § 16-77-5.1.

11 (b) Any nonprofit organization that seeks to establish an independent charter school must
12 submit its financial records and financial plan for operating the school to the auditor general, who
13 shall review the records, the financial plan, and the financial integrity of the organization. At the
14 time of submission of a proposed charter, the financial records and financial recordkeeping
15 system of the nonprofit organization and the proposed financial plan for the independent charter
16 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
17 charter is being considered for preliminary approval by the council on elementary and secondary
18 education, provide an initial determination to the council on elementary and secondary education,
19 the commissioner, and the speaker of the house of representatives and the president of the senate
20 indicating that the auditor general is satisfied that the nonprofit organization is financially
21 responsible. Final approval for operation of the independent charter school shall not be granted by
22 the council on elementary and secondary education until the auditor general has approved the
23 financial plan and financial-record keeping system and is satisfied that the nonprofit organization
24 is financially responsible. The auditor general shall notify the council on elementary and
25 secondary education, the commissioner, the president of the senate, and the speaker of the house
26 of representatives of the findings. During the year immediately preceding the September in which
27 the independent charter school is to begin operation, the charter applicant shall make any
28 additional submissions to the auditor general prescribed by the auditor general in the initial
29 determination. Additional submissions during the year prior to the September in which the
30 independent charter school is to begin operation shall include, but not be limited to evidence
31 submitted to the auditor general, not later than June 1st prior to the opening of the independent
32 charter school, of the existence of an agreement, option for lease or purchase, lease agreement, or
33 purchase agreement, contingent upon general assembly funding, for a facility in which the
34 independent charter school will operate in its first year of operation. The auditor general shall

1 have the authority to review independent charter schools affiliated with nonprofit organizations
2 on an annual basis or require the school to have an annual, certified audit in accordance with the
3 same federal and state standards that are applicable to local public school districts. If, as a result
4 of any annual audit, the auditor general believes there are financial irregularities, the auditor
5 general shall withdraw the original approval and the council on elementary and secondary
6 education shall withdraw its approval for the independent charter school to continue operation.

7 (c) The council on elementary and secondary education shall not grant preliminary
8 approval or final approval for any new independent charter school to begin operation in the 2021-
9 2022, 2022-2023 or 2023-2024 school years. The council on elementary and secondary education
10 shall not grant preliminary approval or final approval for any independent charter school
11 expansion to be effective in the 2021-2022, 2022-2023 or 2023-2024 school years. These
12 restrictions shall be waived upon enactment of revisions to the charter school funding formula in
13 § 16-7.2-5.

14 SECTION 4. Section 16-77.4-2 of the General Laws in Chapter 16-77.4 entitled
15 "Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
16 hereby amended to read as follows:

17 **16-77.4-2. Procedure for creation and expansion of a mayoral academy.**

18 (a) Any persons or entities eligible to establish a mayoral academy may submit a
19 proposed charter, or an amendment to a charter for an expansion, to the commissioner. For
20 purposes of this chapter, "expansion" shall be an increase in total enrollment; an increase in the
21 grade levels previously authorized in the charter; or the addition of a school district to the
22 catchment area. The proposed charter shall:

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

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

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

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

33 (5) Include an agreement to provide a yearly report to parents, the community, the school
34 committee of the sending districts, and the commissioner, that indicates the progress made by the

1 mayoral academy during the previous year in meeting the charter objectives;

2 (6) Present a plan for the governance, administration, and operation of the mayoral
3 academy, including the manner in which the governing board of the school will be chosen, the
4 nature and extent of parental, professional educator, and community involvement in the
5 governance and operation of the mayoral academy, and the means of ensuring accountability to
6 the commissioner, the sending school district(s), and the council on elementary and secondary
7 education;

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

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

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

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

19 (11) Explain the student discipline procedures;

20 (12) Explain the relationship that will exist between the proposed mayoral academy and
21 its employees, including the terms and conditions of employment and the qualifications that the
22 employees must meet. Teachers and administrators in mayoral academies must be certified
23 pursuant to state law and regulation.

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

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

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

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

33 (14) Identify, with particularity, the state laws, state regulations, and school district rules
34 from which variances are sought in order to facilitate operation of the mayoral academy. Explain

1 the reasons for each variance and the alternative method by which the concern that gave rise to
2 the regulation or provision will be addressed;

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

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

9 (17) Provide a copy of the proposed bylaws of the mayoral academy; and

10 (18) Provide written support from the town or city council(s) in the proposed catchment
11 area if required pursuant to § 16-77-5.1.

12 (b) The council on elementary and secondary education shall not grant preliminary
13 approval or final approval for any new mayoral academy to begin operation in the 2021-2022,
14 2022-2023 or 2023-2024 school years. The council on elementary and secondary education shall
15 not grant preliminary approval or final approval for any mayoral academy expansion to be
16 effective in the 2021-2022, 2022-2023 or 2023-2024 school years. These restrictions shall be
17 waived upon enactment of revisions to the charter school funding formula in § 16-7.2-5.

18 SECTION 5. 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

1 This act would restrict the creation or expansion of charter schools and mayoral
2 academies for the school years 2021-2022 through 2023-2024. This restriction shall be waived
3 upon revision to the charter school funding formula in § 16-7.2-5.

4 This act would take effect upon passage.

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