

**2021 -- S 0013 SUBSTITUTE A**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

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A N A C T

RELATING TO EDUCATION

Introduced By: Senators Goodwin, Ruggerio, McCaffrey, Gallo, Cano, Pearson, Bell,  
Goldin, Mack, and Coyne

Date Introduced: January 12, 2021

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1           SECTION 1. Legislative Findings.

2           (1) Providing access to a quality public education is of the foremost importance to the  
3 General Assembly;

4           (2) Adequate funding for Rhode Island’s public schools is critical to ensuring successful  
5 student outcomes across our state;

6           (3) The COVID-19 pandemic demands increased resources for the instruction and  
7 education of our students;

8           (4) Any increase to the number of seats at charter schools inherently draws financial  
9 resources from traditional public schools;

10          (5) The Rhode Island Council on Elementary and Secondary Education recently approved  
11 the expansion of three charter schools and granted preliminary approval to three new charter  
12 schools, thereby increasing charter school capacity by approximately 5,835 seats over the next  
13 several years;

14          (6) The full implementation of these seats would require approximately \$25.4 million in  
15 payments from the sending districts to the charters and would redirect approximately \$66.9 million  
16 in state aid from the districts to the charter schools;

17          (7) The fiscal impact for Fiscal year 2022 would be approximately \$2.4 million in local  
18 tuition payments and a redirect of approximately \$6.5 million in state aid;

19          (8) A moratorium on approvals of any charter school expansion or new charter school

1 would grant the General Assembly, state agencies, municipalities, and other stakeholders the time  
2 necessary to understand the broader impact the diversion of these resources will have on our public  
3 schools.

4 SECTION 2. Sections 16-77-3.1 and 16-77-5.1 of the General Laws in Chapter 16-77  
5 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode Island  
6 Board of Education Act]" are hereby amended to read as follows:

7 **16-77-3.1. Legislative purpose.**

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

13 (b) Charter public schools are intended to be vanguards, laboratories, and an expression of  
14 the on-going and vital state interest in the improvement of education. Notwithstanding the  
15 provisions of this section or any law to the contrary, a charter school shall be deemed to be a public  
16 school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C. § 6101,  
17 et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., title IX of the educational  
18 amendments of 1972, 20 U.S.C. § 1681, et seq., § 794 of title 29, and part B of the Individuals With  
19 Disabilities Education Act, 20 U.S.C. § 1411, et seq. All students and prospective students of a  
20 charter school shall be deemed to be public school students, having all the same rights under federal  
21 and Rhode Island law as students and prospective students at a non-chartered public school. These  
22 charter public schools shall be vehicles for research and development in areas such as curriculum,  
23 pedagogy, administration, materials, facilities, governance, parent relations and involvement,  
24 social development, instructor's and administrator's responsibilities, working conditions, student  
25 performance and fiscal accountability. It is the intent of the general assembly to create within the  
26 public school system vehicles for innovative learning opportunities to be utilized and evaluated in  
27 pilot projects. The provisions of this chapter are to be interpreted liberally to support the purposes  
28 set forth in this chapter and to advance a renewed commitment by the state to the mission, goals,  
29 and diversity of public education.

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

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

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

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

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

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

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

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

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

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

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

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

30 [\(h\) The council on elementary and secondary education shall not grant preliminary](#)  
31 [approval or final approval for the creation or expansion of any district charter school, independent](#)  
32 [charter school or mayoral academy charter school to begin operation in the 2021-2022, 2022-2023,](#)  
33 [or 2023-2024 school years.](#)

34 **16-77-5.1. Oversight by commissioner.**

1 (a) Individuals or groups may complain to a charter public school's governing body  
2 concerning any claimed violation of the provisions of this chapter by the school. If, after presenting  
3 their complaint to the governing body, the individuals or groups believe their complaint has not  
4 been adequately addressed, they may submit their complaint to the commissioner who shall hear  
5 and decide the issue pursuant to §§ 16-39-1 and 16-39-2.

6 (b) Charter public school approval for establishment or continuation shall be for up to a  
7 five-year (5) period. In either case, council on elementary and secondary education approval is  
8 required.

9 (c) Local, written support shall be required for a proposed charter that is a network charter  
10 school as defined herein. "Written support" means a resolution or ordinance granted by the town or  
11 city council for each proposed sending district where the council considers the fiscal and  
12 educational welfare of the municipality and students after at least one public hearing.

13 (d) A charter public school, as defined in § 16-77-2.1, shall be considered a network charter  
14 school if the charter public school encompasses, or will encompass, elementary and secondary  
15 schools or multiple elementary or multiple secondary schools.

16 (e) Charter public schools, as defined in § 16-77-2.1(4) and authorized as of the effective  
17 date of this act [July 13, 2016], shall be exempt from subsection (c) of this section and shall not  
18 require local, written support under subsection (c) for any proposed expansion or charter renewal.

19 (f) A proposed charter, or amendment to a charter for expansion, may proceed through the  
20 approval process by removing districts that have not provided written support, in accordance with  
21 this section, from the catchment area and may be approved with the remaining districts in the  
22 catchment area, provided that the application satisfies the requirements of regulations and law.

23 However, the charter may be 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;
- 27 (4) Violates provisions of law that have not been granted variance by the council on  
28 elementary and secondary education; 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 (g) 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 § 16-

1 39-1.

2 (h) The establishment of new charter public schools shall be contingent upon state approval  
3 and appropriation. The state shall not approve or appropriate funding to any new charter school or  
4 to expand an existing charter school that had not been approved by the council on elementary and  
5 secondary education prior to July 1, 2020, for the fiscal year 2022, fiscal year 2023, or fiscal year  
6 2024.

7 SECTION 3. Chapter 16-77 of the General Laws entitled "Establishment of Charter Public  
8 Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended  
9 by adding thereto the following section:

10 **16-77-13. Severability.**

11 If any provisions of this chapter or the application thereof to any person or circumstances  
12 is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which  
13 can be given effect without the invalid provision or application, and to this end the provisions of  
14 this chapter are declared to be severable.

15 SECTION 4. Section 16-77.2-2 of the General Laws in Chapter 16-77.2 entitled "District  
16 Charter School [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
17 amended to read as follows:

18 **16-77.2-2. Procedure for creation of district charter schools.**

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

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

1 which indicates the progress made by the district charter school during the previous year in meeting  
2 the charter objectives;

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

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

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

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

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

20 (11) Explain the student discipline procedures;

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

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

1 rise to the regulation or provision will be addressed;

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

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

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

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

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

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

31 (d) By approval of the charter upon the recommendation of the commissioner, the board of  
32 regents will be deemed to have authorized all necessary variances from law and regulation  
33 enumerated in the charter. Should the need for relief from the operation of additional provisions of  
34 law and/or contract become apparent subsequent to implementation of the charter, a variance may

1 be obtained by an affirmative vote of two-thirds (2/3) of the teachers then assigned to the school,  
2 agreement by all parties to the collective bargaining agreement and by an affirmative vote of the  
3 board of regents upon a recommendation of the commissioner.

4 [\(e\) The council on elementary and secondary education shall not grant preliminary](#)  
5 [approval or final approval for the creation or expansion of any district charter school to begin](#)  
6 [operation in the 2021-2022, 2022-2023, or 2023-2024 school years.](#)

7 SECTION 5. Chapter 16-77.2 of the General Laws entitled "District Charter School [See  
8 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding  
9 thereto the following section:

10 **16-77.2-9 Severability.**

11 [If any provisions of this chapter or the application thereof to any person or circumstances](#)  
12 [is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which](#)  
13 [can be given effect without the invalid provision or application, and to this end the provisions of](#)  
14 [this chapter are declared to be severable.](#)

15 SECTION 6. Section 16-77.3-2 of the General Laws in Chapter 16-77.3 entitled  
16 "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education  
17 Act]" is hereby amended to read as follows:

18 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

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

24 (1) Be submitted to the commissioner no later than December 1st of the school year before  
25 the school year in which the independent 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 independent charter school will meet,  
28 and 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 sending

1 school districts, and the commissioner, that indicates the progress made by the independent charter  
2 school during the previous year in meeting the charter objectives;

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

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

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

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

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

20 (11) Explain the student discipline procedures;

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

34 (13) Identify, with particularity, the state statutes, state regulations, and sending school

1 district(s) rules from which variances are sought in order to facilitate operation of the independent  
2 charter school. Explain the reasons for each variance and the alternative method by which the  
3 concern that gave rise to the regulation or provision will be addressed;

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

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

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

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

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

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

9 [\(c\) The council on elementary and secondary education shall not grant preliminary](#)  
10 [approval or final approval for the creation or expansion of any independent charter school to begin](#)  
11 [operation in the 2021-2022, 2022-2023, or 2023-2024 school years.](#)

12 SECTION 7. Chapter 16-77.3 of the General Laws entitled "Independent Charter Schools  
13 [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding  
14 thereto the following section:

15 **16-77.3-9. Severability.**

16 [If any provisions of this chapter or the application thereof to any person or circumstances](#)  
17 [is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which](#)  
18 [can be given effect without the invalid provision or application, and to this end the provisions of](#)  
19 [this chapter are declared to be severable.](#)

20 SECTION 8. Section 16-77.4-2 of the General Laws in Chapter 16-77.4 entitled "Mayoral  
21 Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
22 amended to read as follows:

23 **16-77.4-2. Procedure for creation and expansion of a mayoral academy.**

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

29 (1) Be submitted to the commissioner no later than December 1st of the school year before  
30 the school year in which the mayoral academy 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 mayoral academy 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 sending districts, and the commissioner, that indicates the progress made by the  
7 mayoral academy during the previous year in meeting the charter objectives;

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

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

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

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

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

25 (11) Explain the student discipline procedures;

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

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

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

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

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

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

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

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

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

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

18 [\(b\) The council on elementary and secondary education shall not grant preliminary](#)  
19 [approval or final approval for the creation or expansion of any mayoral academy charter school to](#)  
20 [begin operation in the 2021-2022, 2022-2023, or 2023-2024 school years.](#)

21 SECTION 9. Chapter 16-77.4 of the General Laws entitled "Mayoral Academies [See Title  
22 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto  
23 the following section:

24 **16-77.4-9. Severability.**

25 [If any provisions of this chapter or the application thereof to any person or circumstances](#)  
26 [is held invalid, such invalidity shall not affect other provisions or applications of the chapter, which](#)  
27 [can be given effect without the invalid provision or application, and to this end the provisions of](#)  
28 [this chapter are declared to be severable.](#)

29 SECTION 10. This act shall take effect upon passage.

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LC000433/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION

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1           This act would provide that the council on elementary and secondary education would not  
2 grant preliminary or final approval for the creation or expansion of any district, independent, or  
3 mayoral academy charter school to begin operation in the 2021-2022, 2022-2023, or 2023-2024  
4 school years. The act would also provide that the state would not approve or appropriate funding  
5 to any new charter school or expand an existing charter school that had not been approved by the  
6 council prior to July 1, 2020, for the fiscal years 2022, 2023, and 2024.

7           This act would take effect upon passage.

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LC000433/SUB A  
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