

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- STATE DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION (SEE TITLE 16 CHAPTER 97--THE RHODE ISLAND BOARD
OF EDUCATION ACT)

Introduced By: Senators Zurier, Cano, Pearson, Picard, Kallman, and Lawson

Date Introduced: February 08, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island
3 Board of Education Act]" is hereby amended to read as follows:

4 **16-1-5. Duties of commissioner of elementary and secondary education.**

5 It shall be the duty of the commissioner of elementary and secondary education:

- 6 (1) To carry out the policies and program formulated by the council on elementary and
7 secondary education.
- 8 (2) To evaluate credentials of applicants for certificates, to verify that the certification of
9 teachers is in accordance with law and established standards, and to issue certificates at the direction
10 of the board.
- 11 (3) To certify the approval of accredited schools.
- 12 (4) To recommend to the board an outline of the subjects and courses of study and the
13 instructional standards for elementary and secondary schools.
- 14 (5) To approve the distribution of state school funds in accordance with law and the
15 regulations of the board.
- 16 (6) To verify that school sites and school building plans are in accordance with law and
17 regulations.
- 18 (7) To exercise supervision over school libraries and library services.

1 (8) To certify that school bus routes and schedules and all contracts for pupil transportation
2 conform with provisions of law and the rules and regulations of the board.

3 (9) To require the observance of all laws relating to schools and education.

4 (10) To interpret school law and to decide such controversies as may be appealed to the
5 commissioner from decisions of local school committees.

6 (11) To prepare and recommend standard forms for the use of local schools.

7 (12)(i) To prepare, with the assistance of the department of administration, manuals of
8 uniform budgetary and standard financial records and procedures for local school officers. The
9 board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,
10 and those procedures should include, at a minimum, the following:

11 (A) Provision for uniform classification of revenues and expenditures;

12 (B) Requirements of detailed expenditure estimates and a table of organization including
13 the proposed staffing of each school;

14 (C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the
15 current and ensuing fiscal years; and

16 (ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000) not
17 otherwise appropriated shall be included in the appropriation made to support the department of
18 elementary and secondary education.

19 (13) To receive general supervision from the council on elementary and secondary
20 education and to appoint the several officers and employees of the department subject to the
21 provisions of the state merit system act, chapters 3 and 4 of title 36.

22 (14) To establish health education, alcohol and substance abuse programs for students in
23 grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will
24 consist of the following: A mandated state health education, alcohol and substance abuse
25 curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in the
26 areas of health, fitness, alcohol and substance abuse, and an in-service training program that will
27 be developed specifically for the implementation of the mandated curriculum.

28 (15)(i) To appoint a three-member (3) committee for the purpose of choosing a "teacher of
29 the year" among teachers in public school grades kindergarten (K) through twelve (12). The
30 "teacher of the year" shall receive an award of one thousand dollars (\$1,000).

31 (ii) It is the intent of the general assembly that the funds necessary to carry out the
32 provisions of this subdivision shall be provided within the annual appropriations act.

33 (16) To institute a process to review, revise, and adopt statewide academic standards that
34 align with state assessments for the core subjects of mathematics, English language arts, science

1 and technology, history and social studies, world languages, and the arts.

2 (17) To institute a process for adapting, adopting, and developing curriculum frameworks
3 for mathematics, English language arts, science and technology, history and social studies, world
4 languages, and the arts covered by the academic standards.

5 (18) To institute a process for reviewing and identifying high-quality curriculum and
6 materials in mathematics, English language arts, and science and technology.

7 (19) To prepare each year a plan for providing statewide assistance in the preparation and
8 implementation of professional development plans.

9 (20) To promulgate rules and regulations relating to school-run lotteries of all eligible
10 public school students and incoming kindergarten students for admission or waiting list to a charter
11 school or mayoral academy established pursuant to chapters 77 through 77.4 of this title for which
12 they would be eligible to attend if offered. Notwithstanding the foregoing provision, the lottery
13 process shall not apply to charter schools or mayoral academies created with the purpose of offering
14 specialized training and education in specific fields of study or targeting at risk groups approved
15 by the commissioner.

16 (21) To provide each charter school or mayoral academy established pursuant to chapters
17 77 through 77.4 of this title with the data collected and disseminated from each sending district
18 pursuant to § 16-2-37(c).

19 SECTION 2. Chapter 16-2 of the General Laws entitled "School Committees and
20 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
21 amended by adding thereto the following section:

22 **16-2-37. Charter schools -- Lottery process and responsibilities.**

23 (a) The department of education shall coordinate with each school district so that all
24 eligible public school students are provided the opportunity to participate in a lottery for enrollment
25 in a charter school or mayoral academy established pursuant to chapters 77 through 77.4 of this
26 title for which they would be eligible to attend if offered.

27 (b) The parent or guardian of an eligible public school student may inform the sending
28 public school district or the department of education of their intent to not have their child entered
29 into the lottery to be offered enrollment in a charter school or mayoral academy.

30 (c) The sending districts shall provide student data to the department of education by
31 February 1 of each year to ensure eligible public school students are entered in the lottery for
32 enrollment.

33 (d) The parent or guardian of a student not registered in the school district for which they
34 are eligible to register may provide the student's data to the department of education by February

1 1 to ensure the student is entered in the lottery for enrollment.

2 (e) The parent or guardian of a student not residing in the school district for which they
3 would be eligible to register at the time of the lottery may, with an acknowledgment that they intend
4 to be registered in the school district at the commencement of the school year, provide the student's
5 data to the department of education by February 1 to ensure the student is entered in the lottery for
6 enrollment.

7 SECTION 3. Sections 16-77.2-1, 16-77.2-2, 16-77.2-4 and 16-77.2-7 of the General Laws
8 in Chapter 16-77.2 entitled "District Charter School [See Title 16 Chapter 97 - The Rhode Island
9 Board of Education Act]" are hereby amended to read as follows:

10 **16-77.2-1. Entities eligible to apply to become district charter schools.**

11 (a) Persons or entities eligible to submit an application to establish a district charter school
12 shall be limited to:

- 13 (1) Existing public schools;
- 14 (2) Groups of public school personnel;
- 15 (3) Public school districts; or
- 16 (4) A group of school districts.

17 (b) No existing public school shall be converted into a district charter school unless a
18 majority of the parents and/or guardians of the students currently assigned to the school and two-
19 thirds (2/3) of the certified teaching personnel currently assigned to the school approve the
20 proposed charter, as provided in § 16-77.2-2.

21 (c) School professionals employed by a local or regional school committee or the State of
22 Rhode Island shall be entitled to a two (2) year leave of absence, without compensation, in order to
23 be employed in a district charter school, provided this leave shall be extended upon request for an
24 additional two (2) years. At any time during or upon completion of this leave of absence, a school
25 professional may return to work in the school district in the position in which he or she was
26 previously employed or a comparable position. This leave of absence shall not be deemed to be an
27 interruption of service for purposes of seniority and teachers' retirement.

28 (d) No child shall be required to attend a district charter school nor shall any teacher be
29 required to teach in a district charter school. The school committee shall make accommodations to
30 facilitate the transfer of students who do not wish to participate in the district charter school into
31 other public schools. It shall also make accommodations for those students who wish to participate
32 to transfer into the district charter school as space permits. ~~If the total number of students who are~~
33 ~~eligible to attend and apply to a district charter school is greater than the number of spaces available,~~
34 ~~the charter school shall conduct a lottery to determine which students shall be admitted.~~

1 (e) Notwithstanding students who are otherwise eligible for enrollment prioritization as
2 siblings of currently enrolled students or children of staff, all remaining openings shall be offered
3 to those students selected through the lottery process established by the department of education.

4 (f) Nothing in this chapter shall preclude any eligible public school student of any age for
5 enrollment in a district charter school for which they would be eligible if offered. District charter
6 schools may not discriminate on the basis of an applicant's race, ethnicity, socioeconomic status,
7 ability, religion, gender, and/or sexual orientation.

8 **16-77.2-2. Procedure for creation of district charter schools.**

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

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

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

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

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

23 (5) Include an agreement to provide a yearly report to parents, the community, the school
24 committee of the district where the district charter school is to be located, and the commissioner,
25 which indicates the progress made by the district charter school during the previous year in meeting
26 the charter objectives;

27 (6) Present a plan for the governance, administration, and operation of the district charter
28 school, including the manner in which the governing board of the school will be chosen, the nature
29 and extent of parental, professional educator, and community involvement in the governance and
30 operation of the district charter school, and the means of ensuring accountability to the
31 commissioner, the school district of the district where the district charter school is to be located,
32 and the board of regents;

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

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

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

7 (10) Describe enrollment procedures including the permissible criteria for admission in
8 accordance with applicable state and federal law [and the use of the lottery process approved by the](#)
9 [department of education](#), along with a policy or policies that outline outreach and recruitment
10 programs to encourage the enrollment of a diverse student population;

11 (11) Explain the student discipline procedures;

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

23 (13) Identify with particularity the state statutes, state regulations, and school district rules
24 from which variances are sought in order to facilitate operation of the district charter school.
25 Explain the reasons for each variance and the alternative method by which the concern that gave
26 rise to the regulation or provision will be addressed;

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

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

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

1 (17) Provide a copy of the proposed bylaws of the district charter school; and

2 (18) Provide a detailed copy of the district charter school's lottery and enrollment process,
3 including but not limited to, the offer and acceptance process, the right to refuse an offer and the
4 effect of siblings not attending the school.

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

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

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

32 **16-77.2-4. Revocation of the charter of a district charter school.**

33 (a) The board of regents may revoke the charter of a district charter school at any time,
34 pursuant to § 16-77-5.1, if the school:

- 1 (1) Materially violates any of the provisions contained in the charter;
- 2 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 3 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 4 (4) Violates provisions of law that have not been granted variance by the board of regents;

5 ~~or~~

6 [\(5\) Fails to base its offer of enrollment on criteria prescribed by § 16-77.2-1\(e\);](#)

7 [\(6\) Bases its offer of enrollment on criteria that is not in accordance with state or federal](#)

8 [law; or](#)

9 ~~(5)~~(7) After three (3) consecutive years of operation, is not a "high-performing charter
10 school," defined as a charter public school that has demonstrated overall success, including: (i)
11 Substantial progress in improving student achievement and (ii) The management and leadership
12 necessary to establish a thriving, financially viable charter public school.

13 (b) After denying or prior to non-renewing or revoking a charter, the department of
14 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
15 39-1.

16 **16-77.2-7. Portions of title 16 applicable to district charter schools.**

17 The following provisions of this title shall be binding on district charter schools and may
18 not be waived by the commissioner under § 16-77.2-3:

- 19 (1) Section 16-2-2 (minimum length of school year);
- 20 (2) Section 16-2-17 (right to a safe school);
- 21 (3) Section 16-8-10 (federal funds for school lunch);
- 22 (4) Section 16-11-1 (certification of public school teachers);
- 23 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 24 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 25 (7) Chapter 13 (teachers' tenure);
- 26 (8) Chapter 16 (teachers' retirement);
- 27 (9) Section 16-19-1 (compulsory attendance);
- 28 (10) Section 16-20-1 (school holidays enumerated);
- 29 (11) Sections 16-21-3 and 16-21-4 (fire safety);
- 30 (12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 31 (13) Section 16-22-9 (uniform testing);
- 32 (14) Section 16-24-2 (regulations of state board);
- 33 (15) Section 16-38-1 (discrimination because of race or age);
- 34 (16) Section 16-38-1.1 (discrimination because of sex);

- 1 (17) Section 16-38-2 (immunizations);
2 (18) Section 16-38-4 (exclusive club);
3 (19) Section 16-38-6 (commercial activities prohibited);
4 (20) Section 16-38-9 (misconduct of school officers);
5 (21) Section 16-38-10 (power of officials to visit schools);
6 (22) Section 16-39-1 (appeal of matters of dispute to commissioner);
7 (23) Section 16-39-2 (appeal of school committee actions to commissioner);
8 (24) Section 16-39-3 (appeal to state board);
9 (25) Section 16-39-3.1 (enforcement of final decision);
10 (26) Section 16-39-3.2 (interim protective orders);
11 (27) Section 16-39-8 (subpoena power of commissioner);
12 (28) Section 16-40-16 (student records);
13 (29) Section 16-71-1 (Educational Record Bill of Rights Act).
14 (30) Chapter 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
15 (31) Chapter 16-21.5 (Student interrogations); and
16 (32) Section 16-1-5(20) (lottery process).

17 SECTION 4. Chapter 16-77.2 of the General Laws entitled "District Charter School [See
18 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding
19 thereto the following section:

20 **16-77.2-3.1. Enrollment process.**

21 (a) Upon completion of its annual lottery process each district charter school shall notify
22 the department of education of the results and the district charter school shall offer enrollments
23 according to its approved charter to those students selected in the random lottery.

24 (b) A student may choose to accept the offer, or reject said offer to enroll.

25 (1) In the event a student rejects the invitation to enroll, another student shall be selected
26 from the waitlist, pursuant to the district charter school's approved charter, until all available slots
27 for students are filled.

28 (c) Nothing in this section shall preclude a district charter school from enrolling students
29 who are otherwise eligible for enrollment prioritization as siblings of currently enrolled students or
30 children of staff.

31 SECTION 5. Sections 16-77.3-1, 16-77.3-2, 16-77.3-4 and 16-77.3-7 of the General Laws
32 in Chapter 16-77.3 entitled "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode
33 Island Board of Education Act]" are hereby amended to read as follows:

34 **16-77.3-1. Entities eligible to apply to become independent charter schools.**

1 (a) Persons or entities eligible to submit an application to establish an independent charter
2 school shall be limited to:

3 (1) Rhode Island nonprofit organizations provided that these nonprofit organizations shall
4 have existed for at least two (2) years and must exist for a substantial reason other than to operate
5 a school; or

6 (2) Colleges or universities within the State of Rhode Island.

7 (b) No child shall be required to attend an independent charter school nor shall any teacher
8 be required to teach in an independent charter school. The sending school district shall make
9 accommodations for those students who wish to participate to transfer into an independent charter
10 school as space permits. ~~If the total number of students who are eligible to attend and apply to an
11 independent charter school is greater than the number of spaces available, the independent charter
12 school shall conduct a lottery to determine which students shall be admitted.~~

13 (c) Notwithstanding students who are otherwise eligible for enrollment prioritization as
14 siblings of currently enrolled students or children of staff, all remaining openings shall be offered
15 to those students selected through the lottery process established by the department of education.

16 (d) Nothing in this chapter shall preclude any eligible public school student of any age for
17 enrollment in an independent charter school for which they would be eligible if offered.
18 Independent charter schools may not discriminate on the basis of an applicant's race, ethnicity,
19 socioeconomic status, ability, religion, gender, and/or sexual orientation.

20 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

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

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

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

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

34 (4) Indicate performance criteria that will be used to measure student learning and to

1 comply with the charter, state, and national educational goals and standards;

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

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

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

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

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

19 (10) Describe enrollment procedures, including the permissible criteria for admission in
20 accordance with applicable state and federal law [and the use of the lottery process approved by the](#)
21 [department of education](#), along with a policy, or policies, that outline outreach and recruitment
22 programs to encourage the enrollment of a diverse student population;

23 (11) Explain the student discipline procedures;

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

1 rights under Rhode Island and federal law as employees, and prospective employees at a non-
2 chartered public school;

3 (13) Identify, with particularity, the state statutes, state regulations, and sending school
4 district(s) rules from which variances are sought in order to facilitate operation of the independent
5 charter school. Explain the reasons for each variance and the alternative method by which the
6 concern that gave rise to the regulation or provision will be addressed;

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

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

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

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

16 (18) Provide a detailed copy of the independent charter school's lottery and enrollment
17 process, including but not limited to, the offer and acceptance process, the right to refuse an offer
18 and the effect of siblings not attending the school.

19 (b) Any nonprofit organization that seeks to establish an independent charter school must
20 submit its financial records and financial plan for operating the school to the auditor general, who
21 shall review the records, the financial plan, and the financial integrity of the organization. At the
22 time of submission of a proposed charter, the financial records and financial recordkeeping system
23 of the nonprofit organization and the proposed financial plan for the independent charter school
24 shall be reviewed by the auditor general and the auditor general shall, while the proposed charter
25 is being considered for preliminary approval by the council on elementary and secondary education,
26 provide an initial determination to the council on elementary and secondary education, the
27 commissioner, and the speaker of the house of representatives and the president of the senate
28 indicating that the auditor general is satisfied that the nonprofit organization is financially
29 responsible. Final approval for operation of the independent charter school shall not be granted by
30 the council on elementary and secondary education until the auditor general has approved the
31 financial plan and financial-record keeping system and is satisfied that the nonprofit organization
32 is financially responsible. The auditor general shall notify the council on elementary and secondary
33 education, the commissioner, the president of the senate, and the speaker of the house of
34 representatives of the findings. During the year immediately preceding the September in which the

1 independent charter school is to begin operation, the charter applicant shall make any additional
2 submissions to the auditor general prescribed by the auditor general in the initial determination.
3 Additional submissions during the year prior to the September in which the independent charter
4 school is to begin operation shall include, but not be limited to evidence submitted to the auditor
5 general, not later than June 1st prior to the opening of the independent charter school, of the
6 existence of an agreement, option for lease or purchase, lease agreement, or purchase agreement,
7 contingent upon general assembly funding, for a facility in which the independent charter school
8 will operate in its first year of operation. The auditor general shall have the authority to review
9 independent charter schools affiliated with nonprofit organizations on an annual basis or require
10 the school to have an annual, certified audit in accordance with the same federal and state standards
11 that are applicable to local public school districts. If, as a result of any annual audit, the auditor
12 general believes there are financial irregularities, the auditor general shall withdraw the original
13 approval and the council on elementary and secondary education shall withdraw its approval for
14 the independent charter school to continue operation.

15 **16-77.3-4. Revocation of the charter of an independent charter school.**

16 (a) The board of regents may revoke the charter of an independent charter school at any
17 time, pursuant to § 16-77-5.1, if the school:

- 18 (1) Materially violates any provision contained in the charter;
- 19 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 20 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 21 (4) Violates provisions of law that have not been granted variance by the board of regents;

22 ~~or~~

- 23 [\(5\) Fails to base its offer of enrollment on criteria prescribed by § 16-77.3-1\(c\);](#)
- 24 [\(6\) Bases its offer of enrollment on criteria that is not in accordance with state or federal](#)
25 [law; or](#)

26 ~~(5)(7)~~ After three (3) consecutive years of operation, is not a "high-performing charter
27 school," defined as a charter public school that has demonstrated overall success, including: (i)
28 Substantial progress in improving student achievement and (ii) The management and leadership
29 necessary to establish a thriving, financially viable charter public school.

30 (b) After denying or prior to non-renewing or revoking a charter, the department of
31 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
32 39-1.

33 **16-77.3-7. Portions of title 16 applicability to independent charter schools.**

34 The following provisions of this title shall be binding on independent charter schools and

- 1 may not be waived by the commissioner under § 16-77.3-3:
- 2 (1) Section 16-2-2 (minimum length of school year);
 - 3 (2) Section 16-2-17 (right to a safe school);
 - 4 (3) Section 16-8-10 (federal funds for school lunch);
 - 5 (4) Section 16-11-1 (certification of public school teachers);
 - 6 (5) Section 16-12-3 (duty to cultivate principles of morality);
 - 7 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
 - 8 (7) Chapter 13 (teachers' tenure);
 - 9 (8) Chapter 16 (teachers' retirement);
 - 10 (9) Section 16-19-1 (compulsory attendance);
 - 11 (10) Section 16-20-1 (school holidays enumerated);
 - 12 (11) Sections 16-21-3 and 16-21-4 (fire safety);
 - 13 (12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
 - 14 (13) Section 16-22-9 (uniform testing);
 - 15 (14) Section 16-24-2 (regulations of state board);
 - 16 (15) Section 16-38-1 (discrimination because of race or age);
 - 17 (16) Section 16-38-1.1 (discrimination because of sex);
 - 18 (17) Section 16-38-2 (immunizations);
 - 19 (18) Section 16-38-4 (exclusive club);
 - 20 (19) Section 16-38-6 (commercial activities prohibited);
 - 21 (20) Section 16-38-9 (misconduct of school officers);
 - 22 (21) Section 16-38-10 (power of officials to visit schools);
 - 23 (22) Section 16-39-1 (appeal of matters of dispute to commissioner);
 - 24 (23) Section 16-39-2 (appeal of school committee actions to commissioner);
 - 25 (24) Section 16-39-3 (appeal to state board);
 - 26 (25) Section 16-39-3.1 (enforcement of final decision);
 - 27 (26) Section 16-39-3.2 (interim protective orders);
 - 28 (27) Section 16-39-8 (subpoena power of commissioner);
 - 29 (28) Section 16-40-16 (student records);
 - 30 (29) Section 16-71-1 (Educational Record Bill of Rights Act);
 - 31 (30) Section 16-21-21.1 (penalties for drug, alcohol or weapons offense); ~~and~~
 - 32 (31) Chapter 16-21.5 (student interrogations); and
 - 33 (32) Section 16-1-5(20) (lottery process).

34

1 SECTION 6. Chapter 16-77.3 of the General Laws entitled "Independent Charter Schools
2 [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding
3 thereto the following section:

4 **16-77.3-3.1. Enrollment process.**

5 (a) Upon completion of its annual lottery process each independent charter school shall
6 notify the department of education of the results and the independent charter school shall offer
7 enrollments according to its approved charter to those students selected in the random lottery.

8 (b) A student may choose to accept the offer, or reject said offer to enroll.

9 (1) In the event a student rejects the invitation to enroll, another student shall be selected
10 from the waitlist, pursuant to the independent charter school's approved charter, until all available
11 slots for students are filled.

12 (c) Nothing in this section shall preclude an independent charter school from enrolling
13 students who are otherwise eligible for enrollment prioritization as siblings of currently enrolled
14 students or children of staff.

15 SECTION 7. Sections 16-77.4-1, 16-77.4-2, 16-77.4-4 and 16-77.4-7 of the General Laws
16 in Chapter 16-77.4 entitled "Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island
17 Board of Education Act]" are hereby amended to read as follows:

18 **16-77.4-1. Entities eligible to apply to become, or for the expansion of, a mayoral**
19 **academy.**

20 (a) A "mayoral academy" means a charter school created by a mayor of any city or town
21 within the State of Rhode Island, acting by, or through, a nonprofit organization established for
22 said purpose (regardless of the time said nonprofit organization is in existence), that enrolls students
23 from more than one city or town, including both urban and non-urban communities, and that offers
24 an equal number of enrollments to students on a lottery basis; provided, further, that such mayoral
25 academies shall have a board of trustees or directors that is comprised of representatives from each
26 included city or town and is chaired by a mayor of an included city or town. The mayor from each
27 city or town, or in the absence of a mayor, the city or town council via a resolution or ordinance,
28 shall approve the participation in the mayoral academy's catchment area for a proposed charter or
29 an amendment to a charter for expansion. For purposes of this chapter, the term "mayor" shall
30 include any elected town administrator.

31 (b) No child shall be required to attend a mayoral academy, nor shall any teacher be
32 required to teach in a mayoral academy. The school committee of the district in which a mayoral
33 academy is located shall make accommodations to facilitate the transfer of students who do not
34 wish to participate in a mayoral academy into other public schools. It shall also make

1 accommodations for those students who wish to transfer into the mayoral academy as space
2 permits. ~~If the total number of students who are eligible to attend and apply to a mayoral academy
3 is greater than the number of spaces available, the mayoral academy shall conduct a lottery to
4 determine which students shall be admitted.~~

5 (c) Notwithstanding students who are otherwise eligible for enrollment prioritization as
6 siblings of currently enrolled students or children of staff, all remaining openings shall be offered
7 to those students selected through the lottery process established by the department of education.

8 (d) Nothing in this chapter shall preclude any eligible public school student of any age for
9 enrollment in a mayoral academy for which they would be eligible if offered. Mayoral academies
10 may not discriminate on the basis of an applicant's race, ethnicity, socioeconomic status, ability,
11 religion, gender, and/or sexual orientation.

12 **16-77.4-2. Procedure for creation and expansion of a mayoral academy.**

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

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

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

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

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

28 (5) Include an agreement to provide a yearly report to parents, the community, the school
29 committee of the sending districts, and the commissioner, that indicates the progress made by the
30 mayoral academy during the previous year in meeting the charter objectives;

31 (6) Present a plan for the governance, administration, and operation of the mayoral
32 academy, including the manner in which the governing board of the school will be chosen, the
33 nature and extent of parental, professional educator, and community involvement in the governance
34 and operation of the mayoral academy, and the means of ensuring accountability to the

1 commissioner, the sending school district(s), and the council on elementary and secondary
2 education;

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

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

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

11 (10) Describe enrollment procedures, including the permissible criteria for admission in
12 accordance with applicable state and federal law [and the use of the lottery process approved by the](#)
13 [department of education](#), along with a policy, or policies, that outline outreach and recruitment
14 programs to encourage the enrollment of a diverse student population;

15 (11) Explain the student discipline procedures;

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

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

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

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

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

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

33 (15) Provide a financial plan, including a proposed budget for the term of the charter, and
34 an annual audit of the financial and administrative operations of the mayoral academy, and the

1 manner in which the funds allocated to the mayoral academy will be managed and disbursed;

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

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

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

8 (19) Provide a detailed copy of the academy's lottery and enrollment process, including
9 but not limited to, the offer and acceptance process, the right to refuse an offer and the effect of
10 siblings not attending the academy.

11 **16-77.4-4. Revocation of the charter of a mayoral academy.**

12 (a) The board of regents may revoke the charter of a mayoral academy at any time, pursuant
13 to § 16-77-5.1, if the school:

14 (1) Materially violates provisions contained in the charter;

15 (2) Fails to meet or pursue the educational objectives contained in the charter;

16 (3) Fails to comply with fiscal accountability procedures as specified in the charter;

17 (4) Violates provisions of law that have not been granted variance by the board of regents;

18 ~~or~~

19 (5) Fails to base its offer of enrollment on criteria prescribed by § 16-77.4-1(c);

20 (6) Bases its offer of enrollment on criteria that is not in accordance with state or federal
21 law; or

22 ~~(5)(7)~~ After three (3) consecutive years of operation, is not a "high-performing charter
23 school," defined as a charter public school that has demonstrated overall success, including: (i)
24 Substantial progress in improving student achievement and (ii) The management and leadership
25 necessary to establish a thriving, financially viable charter public school.

26 (b) After denying or prior to non-renewing or revoking a charter, the department of
27 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
28 39-1.

29 **16-77.4-7. Portions of title 16 applicable to mayoral academies.**

30 The following provisions of this title shall be binding on mayoral academies and may not
31 be waived by the commissioner under § 16-77.4-3:

32 (1) Section 16-2-2 (minimum length of school year);

33 (2) Section 16-2-17 (right to a safe school);

34 (3) Section 16-8-10 (federal funds for school lunch);

- 1 (4) Section 16-11-1 (certification of public school teachers);
- 2 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 3 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 4 (7) Section 16-19-1 (compulsory attendance);
- 5 (8) Section 16-20-1 (school holidays enumerated);
- 6 (9) Sections 16-21-3 and 16-21-4 (fire safety);
- 7 (10) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 8 (11) Section 16-22-9 (uniform testing);
- 9 (12) Section 16-24-2 (regulations of state board);
- 10 (13) Section 16-38-1 (discrimination because of race or age);
- 11 (14) Section 16-38-1.1 (discrimination because of sex);
- 12 (15) Section 16-38-2 (immunizations);
- 13 (16) Section 16-38-4 (exclusive club);
- 14 (17) Section 16-38-6 (commercial activities prohibited);
- 15 (18) Section 16-38-9 (misconduct of school officers);
- 16 (19) Section 16-38-10 (power of officials to visit schools);
- 17 (20) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 18 (21) Section 16-39-2 (appeal of school committee actions to commissioner);
- 19 (22) Section 16-39-3 (appeal to state board);
- 20 (23) Section 16-39-3.1 (enforcement of final decision);
- 21 (24) Section 16-39-3.2 (interim protective orders);
- 22 (25) Section 16-39-8 (subpoena power of commissioner);
- 23 (26) Section 16-40-16 (student records);
- 24 (27) Section 16-71-1 (Educational Record Bill of Rights Act);
- 25 (28) Section 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
- 26 (29) Chapter 16-21.5 (Student interrogations); [and](#)
- 27 [\(30\) Section 16-1-5\(20\) \(lottery process\).](#)

28 SECTION 8. Chapter 16-77.4 of the General Laws entitled "Mayoral Academies [See Title
29 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto
30 the following section:

31 **16-77.4-3.1. Enrollment process.**

32 [\(a\) Upon completion of its annual lottery process each mayoral academy shall notify the](#)
33 [department of education of the results and the mayoral academy shall offer enrollments according](#)
34 [to its approved charter to those students selected in the random lottery.](#)

1 (b) A student may choose to accept the offer, or reject said offer to enroll.

2 (1) In the event a student rejects the invitation to enroll, another student shall be selected
3 from the waitlist, pursuant to the mayoral academy's approved charter, until all available slots for
4 students are filled.

5 (c) Nothing in this section shall preclude a mayoral academy from enrolling students who
6 are otherwise eligible for enrollment prioritization as siblings of currently enrolled students or
7 children of staff.

8 SECTION 9. This act shall take effect upon passage.

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LC003787
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- STATE DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION (SEE TITLE 16 CHAPTER 97--THE RHODE ISLAND BOARD
OF EDUCATION ACT)

1 This act would require district charter schools, independent charter schools, and mayoral
2 academies to use an annual lottery process established pursuant to rules and regulations
3 promulgated by the department of education, to select students who would be invited to enroll in a
4 public charter school. The act would also provide that parents and guardians of students could
5 inform the sending public school district or the department of education of their intent to have or
6 not have their child entered into the lottery. The act would also provide that a student could choose
7 to accept or reject the offer to enroll in the public charter school.

8 This act would take effect upon passage.

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