

2012 -- S 2709

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - MAYORAL ACADEMIES

Introduced By: Senators Jabour, Metts, Miller, and Perry

Date Introduced: March 06, 2012

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77.4-1, 16-77.4-5, 16-77.4-7 and 16-77.4-8 of the General
2 Laws in Chapter 16-77.4 entitled "Mayoral Academies" are hereby amended to read as follows:

3 **16-77.4-1. Entities eligible to apply to become a mayoral academy. --** (a) A "mayoral
4 academy" means a charter school created by a mayor of any city or town within the State of
5 Rhode Island, acting by or through a nonprofit organization established for said purpose
6 (regardless of the time said nonprofit organization is in existence), which enrolls students from
7 more than one city or town including both urban and non-urban communities and [in which the](#)
8 [student demographics of the city or town including race, ethnicity, eligibility for the federal free](#)
9 [and reduced lunch program, limited English proficient students, special education classifications](#)
10 [are represented to the maximum extent practicable](#) which offers an equal number of enrollments
11 to students on a lottery basis; provided, further, that such mayoral academies shall have a board of
12 trustees or directors which is comprised of representatives from each included city or town and is
13 chaired by a mayor of an included city or town. For purposes of this chapter the term "mayor"
14 shall include any elected town administrator.

15 (b) No child shall be required to attend a mayoral academy nor shall any teacher be
16 required to teach in a mayoral academy. The school committee of the district in which a mayoral
17 academy is located shall make accommodations to facilitate the transfer of students who do not
18 wish to participate in a mayoral academy into other public schools. It shall also make
19 accommodations for those students who wish to transfer into the mayoral academy as space

1 permits. If the total number of students who are eligible to attend and apply to a mayoral academy
2 is greater than the number of spaces available, the mayoral academy shall conduct a lottery to
3 determine which students shall be admitted.

4 **16-77.4-5. Budgets and funding. --** (a) It is the intent of the general assembly that
5 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive
6 to the establishment of a mayoral academy. Funding for each mayoral academy shall consist of
7 seventy-five percent (75%) of the state revenue and municipal or district revenue ~~in the same~~
8 ~~proportions that funding is provided for other schools within the sending school district(s).~~ The
9 sending school district shall retain twenty-five percent (25%) of the revenue for administration
10 and operation costs that are higher than those of its mayoral academy counterpart.

11 (b) The amount of funding which shall be allocated to the mayoral academy by the
12 sending school district(s) shall be equal to a percentage of the total budgeted expenses of the
13 sending school district(s) which is determined by dividing the number of students enrolled in the
14 mayoral academy by the total resident average daily number of students in the sending school
15 district(s) less twenty-five percent (25%).

16 (c) Funding additional to that authorized from the sending school district(s) by
17 subsection (b) may be allocated to the mayoral academy from the sending school district(s) to the
18 extent that the combined percentage of students eligible for free or reduced cost lunch, students
19 with limited English proficiency, and students requiring special education exceed the combined
20 percentage of those students in the sending school district(s) as a whole. The commissioner shall
21 promulgate rules and regulations consistent with this section regarding the allocation of funds
22 from sending school districts to mayoral academies.

23 (d) A mayoral academy shall be eligible to receive other aids, grants, Medicaid revenue,
24 and other revenue according to Rhode Island law, as though it were a school district. Federal aid
25 received by the state shall be used to benefit students in a mayoral academy, if the school
26 qualifies for the aid, as though it were a school district.

27 (e) A mayoral academy may negotiate and contract directly with third parties for the
28 purchase of books, instructional materials, and any other goods and services which are not being
29 provided by the sending school district(s) pursuant to the charter.

30 (f) Any career/technical charter public school enrolling special education students from
31 outside school districts with verifiable individual education program (IEP) designations shall
32 receive from the sending school district(s) the average per pupil special education cost of the
33 sending district(s), in accordance with standards established by the Rhode Island department of
34 elementary and secondary education.

1 **16-77.4-7. Portions of title 16 applicable to mayoral academies.** -- The following
2 provisions of this title shall be binding on mayoral academies and may not be waived by the
3 commissioner under section 16-77.4-3:

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

34 **16-77.4-8. Mayoral academy reporting.** -- (a) All mayoral academies shall continuously

1 monitor their financial operations by tracking actual versus budgeted revenue and expense. The
2 chief financial officer of a mayoral academy shall submit a report on a quarterly basis to the state
3 office of municipal affairs certifying the status of that mayoral academy's budget. The quarterly
4 reports shall be in a format prescribed by the state office of municipal affairs and the state auditor
5 general. The reports shall contain a statement as to whether any actual or projected shortfalls in
6 budget line items are expected to result in a year-end deficit, the projected impact on year-end
7 financial results including all accruals and encumbrances, and how the mayoral academy plans to
8 address any such shortfalls.

9 (b) The auditor general or the state director of administration may petition the superior
10 court to order a mayoral academy to file said reports. The director of administration may also
11 direct the state controller and general treasurer to withhold any funding to a mayoral academy
12 until the school complies with the reporting requirements hereunder. Failure to comply with this
13 section shall be cause for the revocation of the school charter.

14 (c) All mayoral academies shall report annually to the department of elementary and
15 secondary education, senate president and speaker of the house regarding the number of students
16 in each grade, demographics of that student and number of students who left the charter school
17 during the school year by withdrawal, expulsion, other disciplinary action or any other
18 circumstance and the placement of the student thereafter in each grade that the academies offer.
19 The reporting date shall be determined by the commissioner of elementary and secondary
20 education.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - MAYORAL ACADEMIES

1 This act would make various changes with regard to mayoral academies, including
2 demographic requirement, funding structure, and reporting procedures. This act would also
3 require state law relative to teachers' retirement to be binding on mayoral academies.

4 This act would take effect upon passage.

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