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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION - DISTRICT CHARTER SCHOOL

Introduced By: Representatives Carnevale, DeSimone, Slater, Palangio, and O'Brien

Date Introduced: February 28, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77.2-1 and 16-77.2-2 of the General Laws in Chapter 16-77.2  
2 entitled "District Charter School" are hereby amended to read as follows:

3 **16-77.2-1. Entities eligible to apply to become district charter schools.** -- (a) Persons  
4 or entities eligible to submit an application to establish a district charter school shall be limited to:

5 (1) Existing public schools;

6 (2) Groups of public school personnel;

7 (3) Public school districts; or

8 (4) A group of school districts.

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

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

1 (d) No child shall be required to attend a district charter school nor shall any teacher be  
2 required to teach in a district charter school. The school committee shall make accommodations  
3 to facilitate the transfer of students who do not wish to participate in the district charter school  
4 into other public schools. It shall also make accommodations for those students who wish to  
5 participate to transfer into the district charter school as space permits. If the total number of  
6 students who are eligible to attend and apply to a district charter school is greater than the number  
7 of spaces available, the charter school shall conduct a lottery to determine which students shall be  
8 admitted. [The lottery may occur in stages based on the school's selection criteria, including, if](#)  
9 [appropriate, identification of a student attendance zone as defined in the school's charter](#)  
10 [application.](#)

11 **16-77.2-2. Procedure for creation of district charter schools.** -- (a) Any persons or  
12 entities eligible to establish a district charter school may submit a proposed charter to the  
13 commissioner and the school committee of the district where the district charter school is to be  
14 located. The proposed charter shall:

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

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

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

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

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

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

1 located, and the board of regents;

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

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

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

10 (10) Describe enrollment procedures including the permissible criteria for admission in  
11 accordance with applicable state and federal law, along with a policy or policies that outline  
12 outreach and recruitment programs to encourage the enrollment of a diverse student population. If  
13 the school plans to operate as a neighborhood school, it shall describe the geographic student  
14 attendance zone, and the role of neighborhood residence, in the lottery admission and enrollment  
15 process;

16 (11) Explain the student discipline procedures;

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

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

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

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

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

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

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

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

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

1 of the board of regents upon a recommendation of the commissioner.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO EDUCATION - DISTRICT CHARTER SCHOOL

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1           This act would authorize the lotteries for student selection into district charter schools to  
2 occur in stages. This act would also require, if the school plans to operate as a neighborhood  
3 school, to describe the geographic student attendance zone.

4           This act would take effect upon passage.

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