

2021 -- S 0827 SUBSTITUTE A

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LC002272/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

**RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS
(SEE TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT)**

Introduced By: Senators Cano, Quezada, Seveney, Kallman, Valverde, F Lombardi,
Pearson, DiMario, Goodwin, and DiPalma

Date Introduced: April 23, 2021

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77-2.1, 16-77-5.1 and 16-77-6.1 of the General Laws in Chapter
2 16-77 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode
3 Island Board of Education Act]" are hereby amended to read as follows:

4 **16-77-2.1. Definitions.**

5 As used in this chapter, the following words shall have the following meanings:

6 (1) "District charter schools" means schools created by existing public schools, groups of
7 public school personnel, public school districts, or a group of school districts.

8 (2) "Independent charter schools" means schools created by: (i) Rhode Island nonprofit
9 organizations provided that these nonprofit organizations shall have existed for at least two (2)
10 years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or
11 universities within the State of Rhode Island.

12 (3) "Mayoral academies" means schools created by a mayor of any city or town within the
13 State of Rhode Island, acting by or through a nonprofit organization (regardless of the time said
14 nonprofit organization is in existence) to establish a mayoral academy as hereinafter described in
15 chapter 16-77.4 ("Mayoral Academies"). For purposes of this chapter the term "mayor" shall
16 include any elected town administrator.

17 (4) "Charter public schools" means district charter schools, independent charter schools, or
18 mayoral academies.

1 (5) "Board of regents" means the Rhode Island board of regents for elementary and
2 secondary education.

3 (6) "Commissioner" means the Rhode Island commissioner of elementary and secondary
4 education.

5 (7) "Sending school district" means the district where the student attending or planning to
6 attend a charter public school resides.

7 (8) "Educationally disadvantaged students" means all or a subset of the following: students
8 who are economically disadvantaged; students with disabilities; limited English proficient students;
9 migrant children; abused or neglected children; and children experiencing homelessness.

10 (9) "Students who are economically disadvantaged" means students who qualify for free
11 or reduced lunch.

12 (10) "Students with disabilities" means students who are eligible to receive services under
13 the Individuals with Disabilities Education Act.

14 (11) "Limited English proficient students" means students who require assistance with
15 acquisition of the English language.

16 (12) "Abused or neglected children" means children whose physical or mental health or
17 welfare is harmed, or threatened with harm, by his or her parent or other person responsible for his
18 or her welfare, pursuant to § 40-11-2.

19 (13) "Children experiencing homelessness" refers to children or youth experiencing the
20 conditions defined in regulations issued by the commissioner under § 16-64-2 to comply with the
21 federal Stewart B. McKinney Homeless Assistance Act.

22 **16-77-5.1. Oversight by commissioner.**

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

28 (b) Charter public school approval for establishment or continuation shall be for up to a
29 five-year (5) period. In either case, council on elementary and secondary education approval is
30 required. Approval shall not be given unless the charter public school uses a lottery weighted in
31 favor of at least three (3) subsets of educationally disadvantaged students, identified in § 16-77-
32 2.1(8), when selecting students for enrollment.

33 (c) Local, written support shall be required for a proposed charter that is a network charter
34 school as defined herein. "Written support" means a resolution or ordinance granted by the town or

1 city council for each proposed sending district where the council considers the fiscal and
2 educational welfare of the municipality and students after at least one public hearing.

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

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

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

13 However, the charter may be revoked at any time 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 council on
18 elementary and secondary education; or

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

23 (g) After denying, or prior to non-renewing or revoking a charter, the department of
24 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
25 39-1.

26 (h) The establishment of new charter public schools shall be contingent upon state approval
27 and appropriation.

28 **16-77-6.1. Additional standards.**

29 (a) No student tuition or mandatory fees may be charged by any charter public school.

30 (b) A charter public school may include any grade up to grade twelve (12) or any
31 configuration of those grades, including kindergarten and prekindergarten. If specified in its
32 charter, a charter public school may also operate an adult education program, adult high school
33 completion program, or general education development testing preparation program.

34 (c) It is the intent of the general assembly that priority of consideration be given to charter

1 public school applications designed to increase the educational opportunities of educationally
2 disadvantaged and at-risk pupils.

3 (d) A student who is not under suspension or expulsion for discipline reasons may
4 withdraw from a charter public school at any time and enroll in another public school in the district
5 where the student resides as determined by the school committee of the district. A student may be
6 suspended or expelled from a charter public school in accordance with the board of regents
7 regulations for suspensions and/or expulsions, and other public schools may give full faith and
8 credit to that suspension or expulsion.

9 (e) The governing body of a charter public school shall be subject to the Open Meetings
10 Law, chapter 46 of title 42.

11 (f) Charter public schools shall conduct a weighted lottery to determine enrollment. Charter
12 public schools may develop their own lottery procedures; provided, that they are consistent with
13 applicable federal and state laws, including the following:

14 (1) The weights used in the lottery for a particular subset of educationally disadvantaged
15 students shall be formulated to meet or exceed the sending school district's representation for that
16 group, as best as possible.

17 (2) The weighted lottery shall be designed as an opt-out system:

18 (i) All students enrolled in the sending school districts included in the charter public
19 school's catchment area as of March 1 shall be entered into the charter public school's weighted
20 lottery, regardless of whether any student submitted an application for admission to any charter
21 public school.

22 (ii) Students selected in a charter public school's lottery shall be notified of their selection
23 by the department of elementary and secondary education (department), and shall either accept or
24 reject the enrollment.

25 (iii) The department shall develop rules and regulations to implement the purposes of this
26 section, which shall include, but are not limited to:

27 (A) Providing notification, on no fewer than two (2) separate occasions, and in a manner
28 and form accessible to a diverse population, about the lottery's date and time to families that have
29 students who will be entered into the charter public school lotteries;

30 (B) Contacting families using no fewer than two (2) methods on file with the sending
31 school district when a student is selected in a charter public school's lottery; and

32 (C) Providing families with no fewer than two (2) options to accept or reject the student's
33 enrollment.

34 (g) By October 1, 2021, and by every October 1 thereafter, the department shall report to

1 the general assembly:

2 (1) The number of students in each educationally disadvantaged subset, identified in § 16-
3 77-2.1(8), that were selected in each charter public school's lottery in each of the previous five (5)
4 years;

5 (2) The number of students in each educationally disadvantaged subset, identified in § 16-
6 77-2.1(8), that ultimately enrolled in each charter public school in each of the previous five (5)
7 academic years; and

8 (3) The percentage of total school enrollment that the numbers listed in subsection (g)(2)
9 of this section represents.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would define educationally disadvantaged students. This act would also require
- 2 the use of a weighted lottery for charter school enrollment.
- 3 This act would take effect upon passage.

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