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LC001636/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

**RELATING TO EDUCATION -- REGIONAL VOCATIONAL SCHOOLS--
ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS**

Introduced By: Senators Thompson, Murray, Pearson, Patalano, Urso, Valverde, and
Kallman

Date Introduced: March 27, 2025

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

SECTION 1. Section 16-45-6 of the General Laws in Chapter 16-45 entitled "Regional Vocational Schools [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended to read as follows:

16-45-6. Powers additional to previous authority.

(a) The powers delegated and authorized in this chapter for the board of regents for elementary and secondary education and the department of elementary and secondary education shall be in addition to those previously authorized by any other general or public law.

(b) The governance, funding, and programming of the William M. Davies, Jr. vocational technical school and the Metropolitan Career and Technical School shall be in accordance with the rules and regulations formulated by the board of regents for elementary and secondary education pursuant to chapter 35 of title 42. Provided, however, the additional appropriation by the General Assembly in fiscal year 2005 for the William M. Davies, Jr. Vocational Technical School shall be used to fund sixty (60) additional placements. Forty (40) of those placements shall be made available to students from the City of Providence.

(c) The purpose of this chapter is to restructure the system of career and technical schools in Rhode Island for the benefit of the students, the economy, and the general welfare. The paramount aim is to enable the schools to make more significant contributions in providing the state's students with the career preparation they need to compete and succeed in the world of today

1 and of the future. To ensure student success, a system of model career and technical schools will
2 be established and supported. These schools will provide: integrated academic and vocational
3 curricula, up to date technology, programs to meet the varying needs of all students, and strong
4 links to business, industry, postsecondary education, and the community.

5 (d)(1) There shall be a system of state operated career and technical schools serving
6 geographic areas of the state. Students attending these regional schools will do so on a full time
7 basis with the costs for their education at the regional school being shared by the state and the
8 district of residence as described in § 16-7.2-5. State schools currently participating in the state
9 retirement system that are not receiving reimbursement pursuant to § 16-16-22 shall have their state
10 aid adjusted to reflect full reimbursement for expenses related to employer retirement contributions
11 for those staff employed by the state.

12 (2) These schools shall be operated as local education agencies and each shall be governed
13 by a board of trustees. With the exception of those powers and duties reserved by the director, the
14 commissioner of elementary and secondary education, and the board of regents for elementary and
15 secondary education, the board of trustees shall have the powers and duties of school committees.
16 The Davies school shall be the first school operated under the provisions of this chapter and shall
17 be renamed the William M. Davies, Jr. career and technical high school. The Metropolitan Career
18 and Technical School shall be the second school operated under the provisions of this chapter.

19 (e)(1) The board of regents for elementary and secondary education shall appoint the
20 members of the board of trustees from nominations made by the commissioner of elementary and
21 secondary education. The chairperson shall also be selected in this manner. The board of regents
22 shall determine the number, qualifications, and terms of office of members of the board of trustees.
23 The board of trustees will be broadly representative of the local communities served by each school
24 and the larger statewide workforce interests.

25 (2) The board of regents shall establish strategic directions for the career and technical
26 education system that are consistent with the state's economic development plans, workforce
27 requirements, and educational priorities and learner outcomes established by the board of regents.

28 (3) The board of regents shall provide parameters for the overall budget requests, approve
29 the budget, and participate in budget development as required in subsection (i).

30 (f)(1) The commissioner of elementary and secondary education shall recommend
31 parameters for the overall budget requests, recommend a budget and participate in budget
32 development as required in subsection (i).

33 (2) The commissioner shall approve the process for selection of a director of each regional
34 school. The commissioner shall develop a plan for statewide implementation of the provisions of

1 this chapter.

2 (g) The board of trustees shall meet monthly and serve without compensation. Nine (9)
3 members of the board of trustees shall be required to attend teacher appeal hearings conducted
4 pursuant to § 16-13-4. The board of trustees shall have broad policy making authority for the
5 operation of the school consistent with subsection (e) and the following powers and duties:

6 (1) To identify the educational needs of the communities in the district.

7 (2) To develop educational policies to meet the needs of students in the communities served
8 by the school district.

9 (3) To appoint a director of its regional school to serve as its chief executive officer and to
10 approve assistant and associate directors from nominations made by the director.

11 (4) To provide policy guidance and participate in budget development as required in
12 subsection (i).

13 (5) To develop staffing policies which ensure that all students are taught by educators of
14 the highest possible quality.

15 (h)(1) The director will serve at the pleasure of the board of trustees with the initial
16 appointment to be for a period of not more than three (3) years, provided, that the term and
17 conditions of employment are subject to the approval of the board of regents for elementary and
18 secondary education.

19 (2) It is the responsibility of the director to manage and operate the school on a day to day
20 basis. The director's duties shall include the following:

21 (i) To be responsible for the entire care, supervision, and management of the career and
22 technical high school.

23 (ii) To recommend to the board of trustees educational policies to meet the needs of the
24 district, and to implement policies established by the board of trustees.

25 (iii) To present nominations to the board of trustees for assistant and associate directors
26 and to appoint all other school personnel.

27 (iv) To provide for the evaluation of all school district personnel.

28 (v) To establish a school based management approach for decision making for the operation
29 of the school.

30 (vi) To prepare a budget and participate in budget development as required in subsection
31 (i), and to authorize purchases consistent with the adopted school district budget.

32 (vii) To report to the board of trustees on a regular basis the financial condition and
33 operation of the school, and to report annually on the educational progress of the school.

34 (viii) To establish appropriate advisory committees as needed to provide guidance on new

1 directions and feedback on the operation of the school.

2 (i) With policy guidance from the board of trustees and extensive involvement of the
3 administrators and faculty in the school, the director of each regional school shall annually prepare
4 a budget. The board of trustees will approve the budget and transmit it to the commissioner. The
5 board of regents for elementary and secondary education, upon recommendation of the
6 commissioner of elementary and secondary education, shall provide parameters for the overall
7 budget request. Based on review and recommendation by the commissioner, the board of regents
8 shall approve the total budget and incorporate it into its budget request to the governor and to the
9 general assembly. Line item budgeting decisions shall be the responsibility of the director.

10 (j) The administration at regional vocational schools shall remain neutral regarding
11 unionization of any of its employees. To remain neutral, the administration shall not at any time
12 express a position on the matter of whether its employees should be unionized and shall not
13 threaten, intimidate, discriminate against, retaliate against or take any adverse action against any
14 employees based on their decision to support or oppose union representation. Provided further, the
15 administration at regional vocational schools shall not hire subcontractors to discuss unionization
16 with their employees.

17 ~~(j)~~(k) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
18 and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or to
19 allow the board of trustees or the director to abrogate any agreement by collective bargaining.
20 Employees at the William M. Davies school shall continue to be state employees and the bargaining
21 units which are presently established at the school shall remain intact.

22 ~~(k)~~(l) Any tuition payments, which are made to the William M. Davies Career and
23 Technical high school from the district of residence of its students, as authorized in R.I.G.L. § 16-
24 7.2-5, shall be deposited into a restricted receipt account to be used for the same educational
25 purposes that its state appropriation is used. Any such funds shall be exempt from the indirect cost
26 recovery provisions of § 35-4-7.

27 SECTION 2. Chapter 16-45 of the General Laws entitled "Regional Vocational Schools
28 [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by
29 adding thereto the following section:

30 **16-45-12. Severability clause.**

31 If any provision of this chapter or its application to any person or circumstances is held
32 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
33 given effect without the invalid provision or application, and to this end the provisions of the
34 chapter are severable.

SECTION 3. Sections 16-77-2.1 and 16-77-3.1 of the General Laws in Chapter 16-77 entitled "Establishment of Charter Public Schools " are hereby amended to read as follows:

16-77-2.1. Definitions.

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

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

~~(2)~~ "Bona fide labor organization" means a labor organization recognized under the National Labor Relations Act or the provisions of chapter 7 of title 28 ("labor relations act").

~~(4)~~(3) "Charter public schools" means district charter schools, independent charter schools, or mayoral academies.

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

~~(4)~~(5) "District charter schools" means schools created by existing public schools, groups of public school personnel, public school districts, or a group of school districts.

~~(6)~~ "Employees" means non-represented, non-management, and non-confidential employees of a charter school.

~~(2)~~(7) "Independent charter schools" means schools created by: (I) Rhode Island nonprofit organizations provided that these nonprofit organizations shall have existed for at least two (2) years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or universities within the State of Rhode Island.

~~(3)~~(8) "Mayoral academies" means schools created by a mayor of any city or town within the State of Rhode Island, acting by or through a nonprofit organization (regardless of the time said nonprofit organization is in existence) to establish a mayoral academy as hereinafter described in chapter 16-77.4 ("Mayoral Academies"). For purposes of this chapter the term "mayor" shall include any elected town administrator.

~~(7)~~(9) "Sending school district" means the district where the student attending or planning to attend a charter public school resides.

16-77-3.1. Legislative purpose.

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

(b) Charter public schools are intended to be vanguards, laboratories, and an expression of

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

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

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

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

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

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

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

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

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

34 (d) No private or parochial schools shall be eligible for charter public school status, nor

1 shall a charter public school be affiliated in any way with a sectarian school or religious institution.
2 Any charter public school authorized by this chapter shall be nonsectarian and nonreligious in its
3 programs, admissions policies, employment practices, and all other operations. The board of
4 regents shall not approve a charter to a school whose overall operation or education program is
5 managed by a for profit entity.

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

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

14 (g) No more than thirty-five (35) charters shall be granted. At least one-half (½) of the total
15 number of charter public schools in the state shall be reserved for charter school applications which
16 are designed to increase the educational opportunities for at-risk pupils.

17 (h) Charter public schools shall remain neutral regarding unionization of any of its
18 employees by establishing a "union neutrality clause" to be included in the charter upon the renewal
19 of a certified charter public school or application for a new charter public school.

20 SECTION 4. Chapter 16-77 of the General Laws entitled "Establishment of Charter Public
21 Schools [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended
22 by adding thereto the following section:

23 **16-77-13. Severability clause.**

24 If any provision of this chapter or its application to any person or circumstances is held
25 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
26 given effect without the invalid provision or application, and to this end the provisions of the
27 chapter are severable.

28 SECTION 5. Section 16-77.2-2 of the General Laws in Chapter 16-77.2 entitled "District
29 Charter School [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby
30 amended to read as follows:

31 **16-77.2-2. Procedure for creation of district charter schools.**

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

- 1 (1) Be submitted to the commissioner and to the school committee of the district where the
2 district charter school is to be located no later than December 1st of the school year before the
3 school year in which the district charter school is to be established;
- 4 (2) Describe a plan for education, including the mission, objective, method of providing a
5 basic education, measurable student academic goals that the district charter school will meet, and
6 process for improving student learning and fulfilling the charter and fulfilling state and national
7 educational goals and standards;
- 8 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
9 year;
- 10 (4) Indicate performance criteria that will be used to measure student learning and to
11 comply with the charter, state, and national educational goals and standards;
- 12 (5) Include an agreement to provide a yearly report to parents, the community, the school
13 committee of the district where the district charter school is to be located, and the commissioner,
14 which indicates the progress made by the district charter school during the previous year in meeting
15 the charter objectives;
- 16 (6) Present a plan for the governance, administration, and operation of the district charter
17 school, including the manner in which the governing board of the school will be chosen, the nature
18 and extent of parental, professional educator, and community involvement in the governance and
19 operation of the district charter school, and the means of ensuring accountability to the
20 commissioner, the school district of the district where the district charter school is to be located,
21 and the board of regents;
- 22 (7) Identify the building that will house the district charter school and from whom and
23 under what terms and conditions it is to be provided;
- 24 (8) Describe what support services will be provided by the school district and under what
25 terms and conditions those services are to be provided, and describe what support services the
26 district charter school will obtain directly from third-parties and, to the extent known, under what
27 terms and conditions those services are to be provided;
- 28 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
29 and staff;
- 30 (10) Describe enrollment procedures including the permissible criteria for admission in
31 accordance with applicable state and federal law, along with a policy or policies that outline
32 outreach and recruitment programs to encourage the enrollment of a diverse student population;
- 33 (11) Explain the student discipline procedures;
- 34 (12) Explain the relationship that will exist between the proposed district charter school

1 and its employees, including the terms and conditions of employment and the qualifications that
2 the employees must meet. Teachers and administrators in district charter schools must be certified
3 pursuant to state law and regulation. Teachers and administrators in district charter schools shall be
4 entitled to prevailing wages and benefits as enjoyed by other public school teachers and
5 administrators within the school district where the district charter school is to be located and to the
6 state teachers' retirement system under chapter 8 of title 36. Employment in a district charter school
7 shall be considered "service" as that term is defined in chapter 16 of this title. All employees and
8 prospective employees of a district charter school shall be deemed to be public school employees,
9 having the same rights, including retirement, under Rhode Island and federal law as employees and
10 prospective employees at a non-chartered public school;

11 (13) Upon renewal of an existing certified charter or upon application for a new charter
12 school to create a "union neutrality clause" that provides that the charter school commits to the
13 following:

14 (i) To remain neutral, regarding the unionization of any of its employees, such that the
15 charter school shall not at any time express a position on the matter of whether its employees should
16 be unionized and such that the charter school shall not threaten, intimidate, discriminate against,
17 retaliate against, or take any adverse action against any employees based on their decision to
18 support or oppose union representation;

19 (ii) That the charter school shall provide any bona fide labor organization access at
20 reasonable times to areas in which the charter school's employees work for the purpose of meeting
21 with employees to discuss their right to representation, employment rights under the law, and terms
22 and conditions of employment; and

23 (iii) That union recognition shall be through a majority card check verified by a neutral
24 third-party arbitrator mutually selected by the charter school and the bona fide labor organization
25 through alternate striking from a panel of arbitrators provided by the Federal Mediation and
26 Conciliation Service.

27 ~~(13)~~(14) Identify with particularity the state statutes, state regulations, and school district
28 rules from which variances are sought in order to facilitate operation of the district charter school.
29 Explain the reasons for each variance and the alternative method by which the concern that gave
30 rise to the regulation or provision will be addressed;

31 ~~(14)~~(15) The proposed charter shall set forth those provisions of the collective bargaining
32 agreement which will not be applicable to that district charter school subject to agreement by the
33 parties to the collectively bargaining agreement;

34 ~~(15)~~(16) Provide a financial plan including a proposed budget for the term of the charter,

1 and an annual audit of the financial and administrative operations of the district charter school, and
2 the manner in which the funds allocated to the district charter school will be managed and
3 disbursed;

4 ~~(16)~~(17) Provide procedures by which teaching personnel and parents can legally challenge
5 decisions of the governing board of the school which do not conform to the school's charter; and

6 ~~(17)~~(18) Provide a copy of the proposed bylaws of the district charter school.

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

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

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

34 SECTION 6. Chapter 16-77.2 of the General Laws entitled "District Charter School [See

1 Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding
2 thereto the following section:

3 **16-77.2-9. Severability clause.**

4 If any provision of this chapter or its application to any person or circumstances is held
5 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
6 given effect without the invalid provision or application, and to this end the provisions of the
7 chapter are severable.

8 SECTION 7. Section 16-77.3-2 of the General Laws in Chapter 16-77.3 entitled
9 "Independent Charter Schools [See Title 16 Chapter 97 — The Rhode Island Board of Education
10 Act]" is hereby amended to read as follows:

11 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

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

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

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

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

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

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

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

1 secondary education;

2 (7) Identify the building that will house the independent charter school and from whom,

3 and under what terms and conditions, it is to be provided;

4 (8) Describe what support services will be provided by the sending school district(s), and

5 under what terms and conditions those services are to be provided, and describe what support

6 services the independent charter school will obtain directly from third parties and, to the extent

7 known, under what 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;

13 (11) Explain the student discipline procedures;

14 (12) Explain the relationship that will exist between the proposed independent charter

15 school and its employees, including the terms and conditions of employment and the qualifications

16 that the employees must meet. Teachers and administrators in independent charter schools must be

17 certified pursuant to state law and regulation. Teachers and administrators in independent charter

18 schools shall be entitled to prevailing wages and benefits as enjoyed by other Rhode Island public

19 school teachers and administrators. Employment in an independent charter school shall be

20 considered “service” as that term is defined in chapter 16 of this title for purposes of determining

21 the appropriate step on a salary schedule for certified personnel. Employment in an independent

22 charter school can be considered “service” as that term is defined in chapter 16 of this title for

23 determining status in the teachers’ retirement system. All employees, and prospective employees

24 of an independent charter school shall be deemed to be public school employees, having the same

25 rights under Rhode Island and federal law as employees, and prospective employees at a non-

26 chartered public school;

27 (13) Requires all independent charter schools, upon renewal of a certified charter or

28 application for a new charter school to create a "union neutrality clause" that provides the

29 following:

30 (i) To remain neutral, regarding the unionization of any of its employees such that the

31 charter school shall not at any time express a position on the matter of whether its employees should

32 be unionized and such that the charter school shall not threaten, intimidate, discriminate against,

33 retaliate against, or take any adverse action against any employees based on their decision to

34 support or oppose union representation;

1 (ii) That the charter school shall provide any bona fide labor organization access at
2 reasonable times to areas in which the charter school's employees work for the purpose of meeting
3 with employees to discuss their right to representation, employment rights under the law, and terms
4 and conditions of employment; and

5 (iii) That union recognition shall be through a majority card check verified by a neutral
6 third-party arbitrator mutually selected by the charter school and the bona fide labor organization
7 through alternate striking from a panel of arbitrators provided by the Federal Mediation and
8 Conciliation Service.

9 ~~(13)~~(14) Identify, with particularity, the state statutes, state regulations, and sending school
10 district(s) rules from which variances are sought in order to facilitate operation of the independent
11 charter school. Explain the reasons for each variance and the alternative method by which the
12 concern that gave rise to the regulation or provision will be addressed;

13 ~~(14)~~(15) Provide a financial plan, including a proposed budget for the term of the charter,
14 and an annual audit of the financial and administrative operations of the independent charter school,
15 and the manner in which the funds allocated to the independent charter school will be managed and
16 disbursed;

17 ~~(15)~~(16) Provide procedures by which teaching personnel and parents can legally challenge
18 decisions of the governing board of the school that do not conform to the school's charter;

19 ~~(16)~~(17) Provide a copy of the proposed bylaws of the independent charter school; and

20 ~~(17)~~(18) Provide written support from town or city council(s) in the proposed catchment
21 area if required pursuant to § 16-77-5.1.

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

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

18 SECTION 8. Chapter 16-77.3 of the General Laws entitled "Independent Charter Schools
19 [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by
20 adding thereto the following section:

21 **16-77.3-9. Severability clause.**

22 If any provision of this chapter or its application to any person or circumstances is held
23 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
24 given effect without the invalid provision or application, and to this end the provisions of the
25 chapter are severable.

26 SECTION 9. Section 16-77.4-2 of the General Laws in Chapter 16-77.4 entitled "Mayoral
27 Academies [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby
28 amended to read as follows:

29 **16-77.4-2. Procedure for creation and expansion of a mayoral academy.**

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

- 1 (1) Be submitted to the commissioner no later than December 1st of the school year before
2 the school year in which the mayoral academy is to be established;
- 3 (2) Describe a plan for education, including the mission, objective, method of providing a
4 basic education, measurable student academic goals that the mayoral academy will meet, and
5 process for improving student learning and fulfilling the charter and fulfilling state and national
6 educational goals and standards;
- 7 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
8 year;
- 9 (4) Indicate performance criteria that will be used to measure student learning and to
10 comply with the charter, state, and national educational goals and standards;
- 11 (5) Include an agreement to provide a yearly report to parents, the community, the school
12 committee of the sending districts, and the commissioner, that indicates the progress made by the
13 mayoral academy during the previous year in meeting the charter objectives;
- 14 (6) Present a plan for the governance, administration, and operation of the mayoral
15 academy, including the manner in which the governing board of the school will be chosen, the
16 nature and extent of parental, professional educator, and community involvement in the governance
17 and operation of the mayoral academy, and the means of ensuring accountability to the
18 commissioner, the sending school district(s), and the council on elementary and secondary
19 education;
- 20 (7) Identify the building that will house the mayoral academy and from whom and under
21 what terms and conditions it is to be provided;
- 22 (8) Describe what support services will be provided by the sending school district(s) and
23 under what terms and conditions those services are to be provided, and describe what support
24 services the mayoral academy will obtain directly from third parties and, to the extent known, under
25 what terms and conditions those services are to be provided;
- 26 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
27 and staff;
- 28 (10) Describe enrollment procedures, including the permissible criteria for admission in
29 accordance with applicable state and federal law, along with a policy, or policies, that outline
30 outreach and recruitment programs to encourage the enrollment of a diverse student population;
- 31 (11) Explain the student discipline procedures;
- 32 (12) Explain the relationship that will exist between the proposed mayoral academy and its
33 employees, including the terms and conditions of employment and the qualifications that the
34 employees must meet. Teachers and administrators in mayoral academies must be certified

1 pursuant to state law and regulation.

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

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

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

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

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

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

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

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

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

24 (19) Requires all mayoral academies, upon renewal of a certified charter or application for
25 a new charter or expansion to create a "union neutrality clause" that provides the following:

26 (i) To remain neutral, regarding the unionization of any of its employees such that the
27 mayoral academy shall not at any time express a position on the matter of whether its employees
28 should be unionized and such that the mayoral academy shall not threaten, intimidate, discriminate
29 against, retaliate against, or take any adverse action against any employees based on their decision
30 to support or oppose union representation;

31 (ii) That the mayoral academy shall provide any bona fide labor organization access at
32 reasonable times to areas in which the mayoral academy's employees work for the purpose of
33 meeting with employees to discuss their right to representation, employment rights under the law,
34 and terms and conditions of employment; and

1 (iii) That union recognition shall be through a majority card check verified by a neutral
2 third-party arbitrator mutually selected by the mayoral academy and the bona fide labor
3 organization through alternate striking from a panel of arbitrators provided by the Federal
4 Mediation and Conciliation Service.

5 SECTION 10. Chapter 16-77.4 of the General Laws entitled "Mayoral Academies [See
6 Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by adding
7 thereto the following section:

8 **16-77.4-9. Severability clause.**

9 If any provision of this chapter or its application to any person or circumstances is held
10 invalid, the invalidity does not affect other provisions or applications of this chapter that can be
11 given effect without the invalid provision or application, and to this end the provisions of the
12 chapter are severable.

13 SECTION 11. Section 16-114-4 of the General Laws in Chapter 16-114 entitled "Sheila C.
14 “Skip” Nowell Academy." is hereby amended to read as follows:

15 **16-114-4. Board of trustees.**

16 (a) The academy shall be governed by a board of trustees that shall have the powers and
17 duties of a school committee. The board of trustees of the academy on the date of passage of this
18 legislation shall constitute the founding board of trustees of the academy. The council on
19 elementary and secondary education shall thereafter appoint the members of the board of trustees
20 from nominations made by the commissioner of elementary and secondary education. The
21 chairperson of the board of trustees shall also be selected in this manner. The council on elementary
22 and secondary education shall determine the qualifications and terms of office of members of the
23 board of trustees.

24 (b) The academy shall remain neutral regarding unionization of any of its employees. To
25 remain neutral, the academy shall not at any time express a position on the matter of whether its
26 employees should be unionized and shall not threaten, intimidate, discriminate against, retaliate
27 against, or take any adverse action against any employees based on their decision to support or
28 oppose union representation. Provided further, the academy shall not hire subcontractors to discuss
29 unionization with their employees.

30 SECTION 12. This act shall take effect upon passage.

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LC001636/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO EDUCATION -- REGIONAL VOCATIONAL SCHOOLS--
ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

- 1
- This act would require all certified independent or district charter schools upon application
- 2
- for a renewal of said charter or an application for a new charter school to provide a union neutrality
- 3
- clause in the charter.
- 4
- This act would take effect upon passage.

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LC001636/SUB A
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