

2026 -- H 7906

LC005746

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Representatives Casey, McNamara, Edwards, Furtado, Shanley, Corvese,  
Biah, Azzinaro, and Voas

Date Introduced: February 27, 2026

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77-2.1 and 16-77-3.1 of the General Laws in Chapter 16-77  
2 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 — The Rhode Island  
3 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 ~~(5)~~(1) "Board of regents" means the Rhode Island board of regents for elementary and  
7 secondary education.

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

10 ~~(4)~~(3) "Charter public schools" means district charter schools, independent charter schools,  
11 or mayoral academies.

12 ~~(6)~~(4) "Commissioner" means the Rhode Island commissioner of elementary and  
13 secondary education.

14 ~~(4)~~(5) "District charter schools" means schools created by existing public schools, groups  
15 of public school personnel, public school districts, or a group of school districts.

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

18 ~~(2)~~(7) "Independent charter schools" means schools created by: (I) Rhode Island nonprofit  
19 organizations provided that these nonprofit organizations shall have existed for at least two (2)

1 years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or  
2 universities within the State of Rhode Island.

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

8 ~~(9)~~(9) “Sending school district” means the district where the student attending or planning  
9 to attend a charter public school resides.

10 **16-77-3.1. Legislative purpose.**

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

16 (b) Charter public schools are intended to be vanguards, laboratories, and an expression of  
17 the on-going and vital state interest in the improvement of education. Notwithstanding the  
18 provisions of this section or any law to the contrary, a charter school shall be deemed to be a public  
19 school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C. § 6101,  
20 et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., title IX of the educational  
21 amendments of 1972, 20 U.S.C. § 1681, et seq., § 794 of title 29, and part B of the Individuals With  
22 Disabilities Education Act, 20 U.S.C. § 1411, et seq. All students and prospective students of a  
23 charter school shall be deemed to be public school students, having all the same rights under federal  
24 and Rhode Island law as students and prospective students at a non-chartered public school. These  
25 charter public schools shall be vehicles for research and development in areas such as curriculum,  
26 pedagogy, administration, materials, facilities, governance, parent relations and involvement,  
27 social development, instructor’s and administrator’s responsibilities, working conditions, student  
28 performance and fiscal accountability. It is the intent of the general assembly to create within the  
29 public school system vehicles for innovative learning opportunities to be utilized and evaluated in  
30 pilot projects. The provisions of this chapter are to be interpreted liberally to support the purposes  
31 set forth in this chapter and to advance a renewed commitment by the state to the mission, goals,  
32 and diversity of public education.

33 (c) It is the intent of the general assembly to provide opportunities for teachers, parents,  
34 pupils, and community members to establish and maintain public schools that operate

1 independently as a method to accomplish all of the following:

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

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

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

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

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

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

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

16 (d) No private or parochial schools shall be eligible for charter public school status, nor  
17 shall a charter public school be affiliated in any way with a sectarian school or religious institution.  
18 Any charter public school authorized by this chapter shall be nonsectarian and nonreligious in its  
19 programs, admissions policies, employment practices, and all other operations. The board of  
20 regents shall not approve a charter to a school whose overall operation or education program is  
21 managed by a for profit entity.

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

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

30 (g) No more than thirty-five (35) charters shall be granted. At least one-half (1/2) of the total  
31 number of charter public schools in the state shall be reserved for charter school applications which  
32 are designed to increase the educational opportunities for at-risk pupils.

33 [\(h\) Charter schools shall remain neutral regarding unionization of any of its employees by](#)  
34 [establishing a “union neutrality clause” to be included in the charter upon the renewal of a certified](#)

1 [charter school or application for a new charter school.](#)

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

5 **16-77.2-2. Procedure for creation of district charter schools.**

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

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

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

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

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

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

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

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

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

1 terms and conditions those services are to be provided;

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

4 (10) Describe enrollment procedures including the permissible criteria for admission in  
5 accordance with applicable state and federal law, along with a policy or policies that outline  
6 outreach and recruitment programs to encourage the enrollment of a diverse student population;

7 (11) Explain the student discipline procedures;

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

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

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

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

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

1           ~~(13)~~(14) Identify with particularity the state statutes, state regulations, and school district  
2 rules from which variances are sought in order to facilitate operation of the district charter school.  
3 Explain the reasons for each variance and the alternative method by which the concern that gave  
4 rise to the regulation or provision will be addressed;

5           ~~(14)~~(15) The proposed charter shall set forth those provisions of the collective bargaining  
6 agreement which will not be applicable to that district charter school subject to agreement by the  
7 parties to the collectively bargaining agreement;

8           ~~(15)~~(16) Provide a financial plan including a proposed budget for the term of the charter,  
9 and an annual audit of the financial and administrative operations of the district charter school, and  
10 the manner in which the funds allocated to the district charter school will be managed and  
11 disbursed;

12           ~~(16)~~(17) Provide procedures by which teaching personnel and parents can legally challenge  
13 decisions of the governing board of the school which do not conform to the school's charter; and

14           ~~(17)~~(18) Provide a copy of the proposed bylaws of the district charter school.

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

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

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

8 SECTION 3. 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 4. 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 -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

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- 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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