

2021 -- H 5069

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- EQUITABLE ACCESS FOR ALL STUDENTS ACT

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77-3.1 of the General Laws in Chapter 16-77 entitled
2 "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" is hereby amended to read as follows:

4 **16-77-3.1. Legislative purpose.**

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

10 (b) Charter public schools are intended to be vanguards, laboratories, and an expression of
11 the on-going and vital state interest in the improvement of education. Notwithstanding the
12 provisions of this section or any law to the contrary, a charter school shall be deemed to be a public
13 school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C. § 6101,
14 et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., title IX of the educational
15 amendments of 1972, 20 U.S.C. § 1681, et seq., § 794 of title 29, and part B of the Individuals With
16 Disabilities Education Act, 20 U.S.C. § 1411, et seq. All students and prospective students of a
17 charter school shall be deemed to be public school students, having all the same rights under federal
18 and Rhode Island law as students and prospective students at a non-chartered public school. These
19 charter public schools shall be vehicles for research and development in areas such as curriculum,

1 pedagogy, administration, materials, facilities, governance, parent relations and involvement,
2 social development, instructor's and administrator's responsibilities, working conditions, student
3 performance and fiscal accountability. It is the intent of the general assembly to create within the
4 public school system vehicles for innovative learning opportunities to be utilized and evaluated in
5 pilot projects. The provisions of this chapter are to be interpreted liberally to support the purposes
6 set forth in this chapter and to advance a renewed commitment by the state to the mission, goals,
7 and diversity of public education.

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

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

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

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

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

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

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

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

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

31 (e) The commissioner is empowered to promulgate rules and regulations consistent with
32 this chapter, in conformance with chapter 35 of title 42, for the creation and operation of charter
33 public schools. These rules and regulations shall set forth the process for rescission of state approval
34 of a charter public school, including appropriate protections to ensure the continued provision of

1 education services to the students of the charter public school whose charter is rescinded.

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

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

8 (h)(1) All charter public schools shall actively recruit students from throughout their
9 district, in each municipality that the school is chartered to service and receive students from. In so
10 doing, charter public schools shall use best efforts to reach out to students who do not have a parent,
11 guardian, or person in a similar role who is acting as an educational advocate for the students.

12 (2) The composition of the student population of all charter public schools shall reflect the
13 demographics from throughout the school's district, in proportion to the demographics of each
14 municipality that the school is chartered to service and receive students from, in terms of:

15 (i) Special education;

16 (ii) English language learners; and

17 (iii) Students who qualify for free and reduced price lunch.

18 (3) No new students shall be enrolled in charter schools or taken from waiting lists until
19 equalized demographic numbers are met as required by this subsection.

20 (4) Each charter public school shall:

21 (i) Continuously readjust their pupil admissions to reflect this requirement;

22 (ii) Not admit a pupil or pupils not in conformance with the demographic requirement set
23 out in this section;

24 (iii) Certify to the department of education and the general assembly, on a quarterly basis,
25 that its admissions policy and pupil demographics are in conformance with the demographic
26 requirements of this section; and

27 (iv) Submit an annual report to the department of education and the general assembly
28 detailing the demographic breakdown of all pupils and the length of time such pupils attended the
29 charter school during said school year.

30 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 -- EQUITABLE ACCESS FOR ALL STUDENTS ACT

1 This act would require all charter public schools to actively recruit students from
2 throughout their district, in each municipality that the school is chartered to service and receive
3 students from. The act would also require that the composition of the student population of all
4 charter public schools reflect the demographics of the sending municipalities in terms of special
5 education, English language learners, and students who qualify for free and reduced price lunch.

6 This act would take effect upon passage.

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