

2022 -- H 7165

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS  
(SEE TITLE 16 CHAPTER 97 -- THE RHODE ISLAND BOARD OF EDUCATION ACT) --  
CHARTER SCHOOLS

Introduced By: Representatives Place, and Chippendale

Date Introduced: January 26, 2022

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-3.1 of the General Laws entitled "Cooperative Service Among  
2 School Districts [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
3 amended by adding thereto the following section:

4 **16-3.1-22. Nontraditional approaches to learning.**

5 (a) Any charter school may offer nontraditional approaches to learning or methods  
6 differing from traditional education approaches from mainstream education. Each charter school  
7 shall offer progressive, student-centric and task-based approaches to learning, and shall not focus  
8 on learning by memorization or a reading approach to learning.

9 (b) The Rhode Island department of education shall review all applications for charter  
10 schools providing nontraditional approaches to learning to ensure the nontraditional criteria is a  
11 sufficient substitute for a traditional education.

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

15 **16-77-3.1. Legislative purpose.**

16 (a) The purpose of this chapter is to provide an alternative within the public education  
17 system by offering opportunities for entities identified in § 16-77-2.1 to establish and maintain a  
18 high performing public school program according to the terms of a charter. The key appeal of the

1 charter school concept is its promise of increased accountability for student achievement in  
2 exchange for increased school autonomy.

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

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

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

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

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

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

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

32 (6) Hold the schools established under this chapter accountable for meeting publicly  
33 promulgated, measurable, state and charter-based pupil academic results, and provide the schools  
34 with a method to implement performance-based and/or other student-based accountability systems,

1 while providing a means to restrict the expansion of ineffective charter public schools; and

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

3 (d) No private or parochial schools shall be eligible for charter public school status, nor  
4 shall a charter public school be affiliated in any way with a sectarian school or religious institution.

5 Any charter public school authorized by this chapter shall be nonsectarian and nonreligious in its  
6 programs, admissions policies, employment practices, and all other operations. The board of  
7 regents shall not approve a charter to a school whose overall operation or education program is  
8 managed by a for profit entity.

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

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

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

20 (h) Any charter school, whose charter has not been renewed, shall have their formerly  
21 allotted seats, reallocated to a school that is authorized to offer nontraditional approaches to  
22 learning or methods, pursuant to §16-3.1-22.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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CHARTER SCHOOLS

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1           This act would allow charter schools to engage in nontraditional approaches to learning,  
2           which must be approved by the department of education, and would also require that seats allocated  
3           to a charter school, whose charter has not been renewed, be reallocated to a school which offers  
4           nontraditional approaches and methods to learning.

5           This act would take effect upon passage.

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