

2013 -- H 5468

=====
LC01229
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO EDUCATION - MAYORAL ACADEMIES

Introduced By: Representatives Fellela, O'Brien, Carnevale, Guthrie, and Messier

Date Introduced: February 14, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77.4-2 and 16-77.4-7 of the General Laws in Chapter 16-77.4
2 entitled "Mayoral Academies" are hereby amended to read as follows:

3 **16-77.4-2. Procedure for creation of a mayoral academy. --**

4 (a) Any persons or entities eligible to establish a mayoral academy may submit a
5 proposed charter to the commissioner. The proposed charter shall:

6 (1) Be submitted to the commissioner no later than December 1st of the school year
7 before the school year in which the mayoral academy is to be established;

8 (2) Describe a plan for education, including the mission, objective, method of providing a
9 basic education, measurable student academic goals that the mayoral academy will meet, and
10 process for improving student learning and fulfilling the charter and fulfilling state and national
11 educational goals and standards;

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

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

16 (5) Include an agreement to provide a yearly report to parents, the community, the school
17 committee of the sending districts, and the commissioner, which indicates the progress made by
18 the mayoral academy during the previous year in meeting the charter objectives;

19 (6) Present a plan for the governance, administration, and operation of the mayoral

1 academy, including the manner in which the governing board of the school will be chosen, the
2 nature and extent of parental, professional educator, and community involvement in the
3 governance and operation of the mayoral academy, and the means of ensuring accountability to
4 the commissioner, the sending school district(s), and the board of regents;

5 (7) Identify the building that will house the mayoral academy and from whom and under
6 what terms and conditions it is to be provided;

7 (8) Describe what support services will be provided by the sending school district(s) and
8 under what terms and conditions those services are to be provided, and describe what support
9 services the mayoral academy will obtain directly from third parties and, to the extent known,
10 under what terms and conditions those services are to be provided;

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

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

16 (11) Explain the student discipline procedures;

17 (12) Explain the relationship that will exist between the proposed mayoral academy and
18 its employees, including the terms and conditions of employment and the qualifications that the
19 employees must meet. Teachers and administrators in mayoral academies must be certified
20 pursuant to state law and regulation.

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

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

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

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

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

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

1 an annual audit of the financial and administrative operations of the mayoral academy, and the
2 manner in which the funds allocated to the mayoral academy will be managed and disbursed;

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

6 (17) Provide a copy of the proposed bylaws of the mayoral academy.

7 **16-77.4-7. Portions of title 16 applicable to mayoral academies.** -- The following
8 provisions of this title shall be binding on mayoral academies and may not be waived by the
9 commissioner under § 16-77.4-3:

10 (1) Section 16-2-2 (minimum length of school year);

11 (2) Section 16-2-17 (right to a safe school);

12 (3) Section 16-8-10 (federal funds for school lunch);

13 (4) Section 16-11-1 (certification of public school teachers);

14 (5) Section 16-12-3 (duty to cultivate principles of morality);

15 (6) Section 16-12-10 (immunity for report of suspected substance abuse);

16 [\(7\) Chapter 16-16 \(teachers' retirement\);](#)

17 ~~(7)~~[\(8\)](#) Section 16-19-1 (compulsory attendance);

18 ~~(8)~~[\(9\)](#) Section 16-20-1 (school holidays enumerated);

19 ~~(9)~~[\(10\)](#) Sections 16-21-3 and 16-21-4 (fire safety);

20 ~~(10)~~[\(11\)](#) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);

21 ~~(11)~~[\(12\)](#) Section 16-22-9 (uniform testing);

22 ~~(12)~~[\(13\)](#) Section 16-24-2 (regulations of state board);

23 ~~(13)~~[\(14\)](#) Section 16-38-1 (discrimination because of race or age);

24 ~~(14)~~[\(15\)](#) Section 16-38-1.1 (discrimination because of sex);

25 ~~(15)~~[\(16\)](#) Section 16-38-2 (immunizations);

26 ~~(16)~~[\(17\)](#) Section 16-38-4 (exclusive club);

27 ~~(17)~~[\(18\)](#) Section 16-38-6 (commercial activities prohibited);

28 ~~(18)~~[\(19\)](#) Section 16-38-9 (misconduct of school officers);

29 ~~(19)~~[\(20\)](#) Section 16-38-10 (power of officials to visit schools);

30 ~~(20)~~[\(21\)](#) Section 16-39-1 (appeal of matters of dispute to commissioner);

31 ~~(21)~~[\(22\)](#) Section 16-39-2 (appeal of school committee actions to commissioner);

32 ~~(22)~~[\(23\)](#) Section 16-39-3 (appeal to state board);

33 ~~(23)~~[\(24\)](#) Section 16-39-3.1 (enforcement of final decision);

34 ~~(24)~~[\(25\)](#) Section 16-39-3.2 (interim protective orders);

- 1 ~~(25)~~(26) Section 16-39-8 (subpoena power of commissioner);
- 2 ~~(26)~~(27) Section 16-40-16 (student records);
- 3 ~~(27)~~(28) Section 16-71-1 (Educational Record Bill of Rights Act);
- 4 ~~(28)~~(29) Section 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
- 5 ~~(29)~~(30) Chapter 16-21.5 (Student interrogations).
- 6 SECTION 2. This act shall take effect upon passage.

=====
LC01229
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - MAYORAL ACADEMIES

- 1 This act would add teachers' retirement pursuant to chapter 16-16 to the list of provisions
- 2 that would be binding on mayoral academies. The act would also delete the provisions that permit
- 3 administrators in mayoral academies to participate in the state teachers' retirement system.
- 4 This act would take effect upon passage.

=====
LC01229
=====