

2015 -- H 5555

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LC001491
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO EDUCATION - CHARTER SCHOOLS

Introduced By: Representatives O'Grady, Amore, Fogarty, Regunberg, and O'Brien

Date Introduced: February 25, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77.2-3 of the General Laws in Chapter 16-77.2 entitled "District
2 Charter School [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 amended to read as follows:

4 **16-77.2-3. Process for consideration of proposed charter.** -- (a) If the commissioner or
5 the school committee of the district where the district charter school is to be located finds the
6 proposed charter to be incomplete, further information may be requested and required. The
7 commissioner shall develop regulations for amending an approved charter, consistent with the
8 provisions of this chapter.

9 (b) After having received a satisfactory proposed charter, the commissioner will provide
10 for a public comment period of not less than sixty (60) days, during which they will hold at least
11 two (2) public hearings on the proposed charter. These hearings will be held in the district where
12 the proposed district charter school is to be located. Any person may file with the committee
13 and/or the commissioner comments, recommendations, and/or objections relevant to the granting
14 of a charter.

15 (c) A copy of the proposed charter for a district charter school at an existing public
16 school shall be provided to the collective bargaining agent for the teachers in the school district
17 where the district charter school is to be located at the time that it is filed with the school
18 committee of the district where the district charter school is to be located and the commissioner.
19 The teachers through their collective bargaining agent shall be afforded the opportunity to present

1 their analysis of and recommendations regarding the proposed charter to the school committee of
2 the district where the district charter school is to be located and the board of ~~regents~~ [education](#)
3 [\(hereinafter the "board"\)](#) prior to any determination by those entities. If the teachers' union objects
4 to the proposed charter or to any provision of it, it shall set forth the reasons for those objections
5 in detail. These objections and recommendations shall be considered and responded to by the
6 school committee of the district where the district charter school is to be located and the
7 commissioner before making any recommendation to the board ~~of regents~~, and by the board ~~of~~
8 ~~regents~~ prior to its determination.

9 (d) The commissioner or the school committee of the district where the district charter
10 school is to be located will each decide on whether or not to recommend the granting of the
11 charter to the board ~~of regents~~ within ninety (90) days after the conclusion of the public comment
12 period.

13 (e) The commissioner or the school committee of the district where the district charter
14 school is to be located may recommend to the board ~~of regents~~ [the](#) granting of a revocable charter
15 for a district charter school upon receiving a proposed charter.

16 (f) If the commissioner or the school committee of the district where the district charter
17 school is to be located recommends the granting of the proposed charter, the matter shall be
18 referred to the board ~~of regents~~ for a decision on whether to grant a charter. [Provided, if the board](#)
19 [is asked to approve an application for a new district charter school or the expansion of seats in an](#)
20 [existing district charter school, the board shall, prior to granting any such approval, make an](#)
21 [affirmative finding that the proposed school or the proposed expansion shall not have a](#)
22 [detrimental effect on the finances and/or the academic performance of the sending districts](#)
23 [affected by the new school or the expansion.](#) The board ~~of regents~~ may grant a charter for a
24 period of up to five (5) years. The decision of the board ~~of regents~~, complete with reasons and
25 conditions, shall be made available to the public and to the applicant. Charter public school
26 approval for establishment or continuation shall be for up to a five (5) year period. At the
27 conclusion of each five (5) year period, the board ~~of regents~~ may conduct a subsequent review of
28 the district charter school's charter. If the board ~~of regents~~ does not conduct such a review, the
29 charter shall renew for another five (5) year period. The commissioner, with approval of the
30 board ~~of regents~~, shall promulgate rules and regulations for these five (5) year reviews.

31 (g) The commissioner, with the approval of the board ~~of regents~~, may grant a variance to
32 any provision of title 16 other than those enumerated in section 16-77.1, and to any department of
33 education regulation and to any school district regulation which does not affect the health and
34 safety or civil rights of pupils in district charter schools.

1 (h) All proposed charters shall be matters of public record and will be provided to
2 members of the public upon request.

3 SECTION 2. Section 16-77.3-3 of the General Laws in Chapter 16-77.3 entitled
4 "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education
5 Act]" is hereby amended to read as follows:

6 **16-77.3-3. Process for consideration of proposed charter.** -- (a) If the commissioner
7 finds the proposed charter to be incomplete, further information may be requested and required.
8 The commissioner shall develop regulations for amending an approved charter, consistent with
9 the provisions of this chapter.

10 (b) After having received a satisfactory proposed charter, the commissioner will provide
11 for a public comment period of not less than sixty (60) days, during which they will hold at least
12 two (2) public hearings on the proposed charter. These hearings will be held in the district where
13 the proposed independent charter school is to be located. Any person may file with the
14 commissioner comments, recommendations, and/or objections relevant to the granting of a
15 charter.

16 (c) The commissioner will decide on whether or not to recommend the granting of the
17 charter to the board of ~~regents~~ education (hereinafter the "board") within ninety (90) days after
18 the conclusion of the public comment period.

19 (d) If the commissioner recommends the granting of the proposed charter, the matter
20 shall be referred to the board ~~of regents~~ for a decision on whether to grant a revocable charter.
21 Provided, if the board is asked to approve an application for a new independent charter school or
22 the expansion of seats in an existing independent charter school, the board shall, prior to granting
23 any such approval, make an affirmative finding that the proposed school or the proposed
24 expansion shall not have a detrimental effect on the finances and/or the academic performance of
25 the sending districts affected by the new school or the expansion. The board ~~of regents~~ may grant
26 a charter for a period of up to five (5) years. The decision of the board ~~of regents~~, complete with
27 reasons and conditions, shall be made available to the public and to the applicant. Charter public
28 school approval for establishment or continuation shall be for up to a five (5) year period. At the
29 conclusion of each five (5) year period, the board ~~of regents~~ may conduct a subsequent review of
30 the independent charter school's charter. If the board ~~of regents~~ does not conduct such a review,
31 the charter shall renew for another five (5) year period. The commissioner, with approval of the
32 board ~~of regents~~, shall promulgate rules and regulations for these five (5) year reviews.

33 (e) The commissioner, with the approval of the board ~~of regents~~, may grant a variance to
34 any provision of title 16 other than those enumerated in § 16-77.3-7 and to any department of

1 education regulation and to any school district regulation which does not affect the health and
2 safety or civil rights of pupils in independent charter schools.

3 (f) All proposed charters shall be matters of public record and will be provided to
4 members of the public upon request.

5 SECTION 3. Section 16-77.4-3 of the General Laws in Chapter 16-77.4 entitled
6 "Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
7 hereby amended to read as follows:

8 **16-77.4-3. Process for consideration of proposed charter.** -- (a) If the commissioner
9 finds the proposed charter to be incomplete, further information may be requested and required.
10 The commissioner shall develop regulations for amending an approved charter, consistent with
11 the provisions of this chapter.

12 (b) After having received a satisfactory proposed charter, the commissioner will provide
13 for a public comment period of not less than sixty (60) days, during which they will hold at least
14 two (2) public hearings on the proposed charter. These hearings will be held in the district where
15 the proposed mayoral academy is to be located. Any person may file with the committee and/or
16 the commissioner comments, recommendations, and/or objections relevant to the granting of a
17 charter.

18 (c) The commissioner will decide whether to recommend the granting of the charter to
19 the board of ~~regents~~ education within ninety (90) days after the conclusion of the public comment
20 period.

21 (d) If the commissioner recommends the granting of the proposed charter, the matter
22 shall be referred to the board ~~of regents~~ for a decision on whether to grant a charter. Provided, if
23 the board is asked to approve an application for a new mayoral academy or the expansion of seats
24 in an existing mayoral academy, the board shall, prior to granting any such approval, make an
25 affirmative finding that the proposed school or the proposed expansion shall not have a
26 detrimental effect on the finances and/or the academic performance of the sending districts
27 affected by the new school or the expansion. The board ~~of regents~~ may grant a charter for a
28 period of up to five (5) years. The decision of the board ~~of regents~~, complete with reasons and
29 conditions, shall be made available to the public and to the applicant. Charter public school
30 approval for establishment or continuation shall be for up to a five (5) year period. At the
31 conclusion of each five (5) year period, the board ~~of regents~~ may conduct a subsequent review of
32 the mayoral academy's charter. If the board ~~of regents~~ does not conduct such a review, the charter
33 shall renew for another five (5) year period. The commissioner, with approval of the board ~~of~~
34 ~~regents~~, shall promulgate rules and regulations for these five (5) year reviews.

1 (e) The commissioner, with the approval of the board ~~of regents~~, may grant a variance to
2 any provision of title 16 other than those enumerated in § 16-77.4-7 and to any department of
3 education regulation and to any school district regulation which does not affect the health and
4 safety or civil rights of pupils in a mayoral academy.

5 (f) All proposed charters shall be matters of public record and will be provided to
6 members of the public upon request.

7 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 - CHARTER SCHOOLS

1 This act would require the board of education, prior to granting approval for either a new
2 charter school or the expansion of an existing charter school, to first make an affirmative finding
3 that the proposed school or the proposed expansion would not have a detrimental effect on the
4 finances and/or the academic performance of the sending districts affected by the new school or
5 the expansion.

6 This act would take effect upon passage.

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