

2016 -- S 3075

LC006189

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Senator Hanna M. Gallo

Date Introduced: June 09, 2016

Referred To: Senate Education

It is enacted by the General Assembly as follows:

SECTION 1. Section 16-77-5.1 of the General Laws in Chapter 16-77 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as follows:

16-77-5.1. Oversight by commissioner. -- (a) Individuals or groups may complain to a charter public school's governing body concerning any claimed violation of the provisions of this chapter by the school. If, after presenting their complaint to the governing body, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the commissioner who shall hear and decide the issue pursuant to §§ 16-39-1 and 16-39-2.

(b) Charter public school approval for establishment or continuation shall be for up to a five (5) year period. In either case, ~~board-of-regents~~ council on elementary and secondary education approval is required.

(c) Local written support shall be required for a proposed charter that is a network charter school as defined herein. "Written support" means a resolution or ordinance granted by the town or city council for each proposed sending district where the council considers the fiscal and educational welfare of the municipality and students after at least one public hearing.

(d) A charter public school as defined in §16-77-2.1 shall be considered a network charter school if the charter public school encompasses or will encompass elementary and secondary schools or multiple elementary or multiple secondary schools under the same

1 management.

2 (e) Charter public schools authorized as of the effective date of this act shall be exempt
3 from subsection (c) of this section.

4 (f) A proposed charter or amendment to a charter for expansion may proceed through the
5 approval process by removing districts that have not provided written support in accordance with
6 this section from the catchment area and may be approved with the remaining districts in the
7 catchment area, provided that the application satisfies the requirements of this chapter.

8 However, the charter may be revoked at any time if the school:

9 (1) Materially violates provisions contained in the charter;

10 (2) Fails to meet or pursue the educational objectives contained in the charter;

11 (3) Fails to comply with fiscal accountability procedures as specified in the charter;

12 (4) Violates provisions of law that have not been granted variance by the ~~board of~~
13 ~~regents~~ council on elementary and secondary education; or

14 (5) After three (3) consecutive years of operation, is not a "high-performing charter
15 school," defined as a charter public school that has demonstrated overall success, including: (i)
16 Substantial progress in improving student achievement; and (ii) The management and leadership
17 necessary to establish a thriving, financially viable charter public school.

18 ~~(e)~~(g) After denying or prior to non-renewing or revoking a charter, the department of
19 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
20 39-1.

21 ~~(d)~~(h) The establishment of new charter public schools shall be contingent upon state
22 approval and appropriation.

23 SECTION 2. Sections 16-77.3-1, 16-77.3-2 and 16-77.3-3 of the General Laws in
24 Chapter 16-77.3 entitled "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode
25 Island Board of Education Act]" are hereby amended to read as follows:

26 **16-77.3-1. Entities eligible to apply to become independent charter schools. --** (a)

27 Persons or entities eligible to submit an application to establish an independent charter school
28 shall be limited to:

29 (1) Rhode Island nonprofit organizations provided that these nonprofit organizations
30 shall have existed for at least two (2) years and must exist for a substantial reason other than to
31 operate a school; or

32 (2) Colleges or universities within the State of Rhode Island.

33 (b) No child shall be required to attend an independent charter school nor shall any
34 teacher be required to teach in an independent charter school. The sending school district shall

1 make accommodations for those students who wish to participate to transfer into an independent
2 charter school as space permits. If the total number of students who are eligible to attend and
3 apply to an independent charter school is greater than the number of spaces available, the
4 independent charter school shall conduct a lottery, [in which eligible students have an equal](#)
5 [opportunity to gain admission](#), to determine which students shall be admitted. [All students from](#)
6 [the school district\(s\) who are eligible to attend shall be provided the opportunity to enter the](#)
7 [lottery on the same form used by the district for their registration process.](#)

8 **~~16-77.3-2. Procedure for creation of independent charter schools.~~ -- Procedure for**
9 **creation and expansion of independent charter schools.** -- (a) Any persons or entities eligible
10 to establish an independent charter public school may submit a proposed charter [or an amendment](#)
11 [to a charter for an expansion](#) to the commissioner. [For purposes of this chapter, "expansion" shall](#)
12 [be an increase in total enrollment, an increase in the grade levels previously authorized in the](#)
13 [charter or the addition of a school district to the catchment area.](#) The proposed charter shall:

14 (1) Be submitted to the commissioner no later than December 1st of the school year
15 before the school year in which the independent charter school is to be established;

16 (2) Describe a plan for education, including the mission, objective, method of providing
17 a basic education, measurable student academic goals that the independent charter school will
18 meet, and process for improving student learning and fulfilling the charter and fulfilling state and
19 national educational goals and standards;

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

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

24 (5) Include an agreement to provide a yearly report to parents, the community, the
25 sending school districts, and the commissioner, which indicates the progress made by the
26 independent charter school during the previous year in meeting the charter objectives;

27 (6) Present a plan for the governance, administration, and operation of the independent
28 charter school, including the manner in which the governing board of the school will be chosen,
29 the nature and extent of parental, professional educator, and community involvement in the
30 governance and operation of the independent charter school, and the means of ensuring
31 accountability to the commissioner, the sending school districts, and the ~~board of regents~~ [council](#)
32 [on elementary and secondary education](#);

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

- 1 (8) Describe what support services will be provided by the sending school district(s) and
2 under what terms and conditions those services are to be provided, and describe what support
3 services the independent charter school will obtain directly from third parties and, to the extent
4 known, under what terms and conditions those services are to be provided;
- 5 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
6 and staff;
- 7 (10) Describe enrollment procedures including the permissible criteria for admission in
8 accordance with applicable state and federal law, along with a policy or policies that outline
9 outreach and recruitment programs to encourage the enrollment of a diverse student population;
- 10 (11) Explain the student discipline procedures;
- 11 (12) Explain the relationship that will exist between the proposed independent charter
12 school and its employees, including the terms and conditions of employment and the
13 qualifications that the employees must meet. Teachers and administrators in independent charter
14 schools must be certified pursuant to state law and regulation. Teachers and administrators in
15 independent charter schools shall be entitled to prevailing wages and benefits as enjoyed by other
16 Rhode Island public school teachers and administrators. Employment in an independent charter
17 school shall be considered "service" as that term is defined in chapter 16 of this title for purposes
18 of determining the appropriate step on a salary schedule for certified personnel. Employment in
19 an independent charter school can be considered "service" as that term is defined in chapter 16 of
20 this title for determining status in the teachers' retirement system. All employees and prospective
21 employees of an independent charter school shall be deemed to be public school employees,
22 having the same rights under Rhode Island and federal law as employees and prospective
23 employees at a non-chartered public school;
- 24 (13) Identify with particularity the state statutes, state regulations, and sending school
25 district(s) rules from which variances are sought in order to facilitate operation of the independent
26 charter school. Explain the reasons for each variance and the alternative method by which the
27 concern that gave rise to the regulation or provision will be addressed;
- 28 (14) Provide a financial plan including a proposed budget for the term of the charter, and
29 an annual audit of the financial and administrative operations of the independent charter school,
30 and the manner in which the funds allocated to the independent charter school will be managed
31 and disbursed;
- 32 (15) Provide procedures by which teaching personnel and parents can legally challenge
33 decisions of the governing board of the school which do not conform to the school's charter; and
- 34 (16) Provide a copy of the proposed bylaws of the independent charter school.

1 [\(17\) Provide written support from school districts in the proposed catchment area if](#)
2 [required pursuant to §16-77-5.1.](#)

3 (c) Any nonprofit organization which seeks to establish an independent charter school
4 must submit its financial records and financial plan for operating the school to the auditor general,
5 who shall review the records, the financial plan, and the financial integrity of the organization. At
6 the time of submission of a proposed charter the financial records and financial recordkeeping
7 system of the nonprofit organization and the proposed financial plan for the independent charter
8 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
9 charter is being considered for preliminary approval by the ~~board of regents~~ [council on](#)
10 [elementary and secondary education](#), provide an initial determination to the ~~board of regents~~
11 [council on elementary and secondary education](#), the commissioner, and the speaker of the house
12 of representatives indicating that the auditor general is satisfied that the nonprofit organization is
13 financially responsible. Final approval for operation of the independent charter school shall not be
14 granted by the ~~board of regents~~ [council on elementary and secondary education](#) until the auditor
15 general has approved the financial plan and financial record keeping system and is satisfied that
16 the nonprofit organization is financially responsible. The auditor general shall notify the ~~board of~~
17 ~~regents~~ [council](#), the commissioner, and the speaker of the house of representatives of the findings.
18 During the year immediately preceding the September in which the independent charter school is
19 to begin operation, the charter applicant shall make any additional submissions to the auditor
20 general prescribed by the auditor general in the initial determination. Additional submissions
21 during the year prior to the September in which the independent charter school is to begin
22 operation shall include, but not be limited to, evidence submitted to the auditor general not later
23 than June 1st prior to the opening of the independent charter school of the existence of an
24 agreement, option for lease or purchase, lease agreement or purchase agreement, contingent upon
25 general assembly funding, for a facility in which the independent charter school will operate in its
26 first year of operation. The auditor general shall have the authority to review independent charter
27 schools affiliated with nonprofit organizations on an annual basis or require the school to have an
28 annual certified audit in accordance with the same federal and state standards that are applicable
29 to local public school districts. If as a result of any annual audit the auditor general believes there
30 are financial irregularities, the auditor general shall withdraw the original approval and the ~~board~~
31 ~~of regents~~ [council on elementary and secondary education](#) shall withdraw its approval for the
32 independent charter school to continue operation.

33 ~~16-77.3-3. Process for consideration of proposed charter. ---~~ Process for
34 consideration of proposed charter or expansion. -- (a) If the commissioner finds the proposed

1 charter to be incomplete, further information may be requested and required. The commissioner
2 shall develop regulations for amending an approved charter, consistent with the provisions of this
3 chapter.

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

10 (c) The commissioner will decide on whether or not to recommend the granting of the
11 charter or expansion to the ~~board-of-regents~~ council on elementary and secondary education
12 within ninety (90) days after the conclusion of the public comment period.

13 (d) If the commissioner recommends the granting of the proposed charter or amendment
14 for expansion, the matter shall be referred to the ~~board-of-regents~~ council on elementary and
15 secondary education for a decision on whether to grant a revocable charter. The ~~board-of-regents~~
16 council on elementary and secondary education may grant a charter for a period of up to five (5)
17 years. The decision of the ~~board-of-regents~~ council on elementary and secondary education,
18 complete with reasons and conditions, shall be made available to the public and to the applicant.
19 Charter public school approval for establishment or continuation shall be for up to a five (5) year
20 period. At the conclusion of each five (5) year period, the ~~board-of-regents~~ council on elementary
21 and secondary education may conduct a subsequent review of the independent charter school's
22 charter. If the ~~board-of-regents~~ council on elementary and secondary education does not conduct
23 such a review, the charter shall renew for another five (5) year period. The commissioner, with
24 approval of the ~~board-of-regents~~ council on elementary and secondary education, shall promulgate
25 rules and regulations for these five (5) year reviews.

26 (e) In considering a proposed charter and an amendment to a charter for expansion, the
27 council on elementary and secondary education shall place substantial weight on the fiscal and
28 programmatic impact on the sending school district(s) and the educational impact on the students
29 in the district to ensure that the proposal is economically and academically prudent for the
30 proposed sending school district(s) and for all students in the sending district(s).

31 ~~(e)~~(f) The commissioner, with the approval of the ~~board-of-regents~~ council on elementary
32 and secondary education, may grant a variance to any provision of title 16 other than those
33 enumerated in § 16-77.3-7 and to any department of education regulation and to any school
34 district regulation which does not affect the health and safety or civil rights of pupils in

1 independent charter schools.

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

4 SECTION 3. Sections 16-77.4-1, 16-77.4-2 and 16-77.4-3 of the General Laws in
5 Chapter 16-77.4 entitled "Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island Board
6 of Education Act]" are hereby amended to read as follows:

7 ~~16-77.4-1. Entities eligible to apply to become a mayoral academy. ---~~ **Entities eligible**
8 **to apply to become or for the expansion of a mayoral academy. --** (a) A "mayoral academy"
9 means a charter school created by a mayor of any city or town within the State of Rhode Island,
10 acting by or through a nonprofit organization established for said purpose (regardless of the time
11 said nonprofit organization is in existence), which enrolls students from more than one city or
12 town including both urban and non-urban communities and which offers an equal number of
13 enrollments to students on a lottery basis; provided, further, that such mayoral academies shall
14 have a board of trustees or directors which is comprised of representatives from each included
15 city or town and is chaired by a mayor of an included city or town. [A mayor from each city or](#)
16 [town, or in the absence of a mayor, the city or town council via a resolution or ordinance, shall](#)
17 [approve the participation in the mayoral academy's catchment area for a proposed charter or an](#)
18 [amendment to a charter for expansion.](#) For purposes of this chapter the term "mayor" shall
19 include any elected town administrator.

20 (b) No child shall be required to attend a mayoral academy nor shall any teacher be
21 required to teach in a mayoral academy. The school committee of the district in which a mayoral
22 academy is located shall make accommodations to facilitate the transfer of students who do not
23 wish to participate in a mayoral academy into other public schools. It shall also make
24 accommodations for those students who wish to transfer into the mayoral academy as space
25 permits. If the total number of students who are eligible to attend and apply to a mayoral academy
26 is greater than the number of spaces available, the mayoral academy shall conduct a lottery [in](#)
27 [which eligible students have an equal opportunity to gain admission](#), to determine which students
28 shall be admitted. [All students from the sending school district\(s\) who are eligible to attend shall](#)
29 [be provided the opportunity to enter the lottery on the same form used by the district for their](#)
30 [registration process.](#)

31 ~~16-77.4-2. Procedure for creation of a mayoral academy. ---~~ **Procedure for creation**
32 **and expansion of a mayoral academy. --** (a) Any persons or entities eligible to establish a
33 mayoral academy may submit a proposed charter [or an amendment to a charter for an expansion](#)
34 to the commissioner. [For purposes of this chapter, "expansion" shall be an increase in total](#)

[enrollment, an increase in the grade levels previously authorized in the charter or the addition of a school district to the catchment area.](#) The proposed charter shall:

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

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

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

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

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

(6) Present a plan for the governance, administration, and operation of the mayoral academy, including the manner in which the governing board of the school will be chosen, the nature and extent of parental, professional educator, and community involvement in the governance and operation of the mayoral academy, and the means of ensuring accountability to the commissioner, the sending school district(s), and the ~~board of regents~~ [council on elementary and secondary education](#);

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

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

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

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

(11) Explain the student discipline procedures;

(12) Explain the relationship that will exist between the proposed mayoral academy and

1 its employees, including the terms and conditions of employment and the qualifications that the
2 employees must meet. Teachers and administrators in mayoral academies must be certified
3 pursuant to state law and regulation.

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

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

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

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

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

17 (15) Provide a financial plan including a proposed budget for the term of the charter, and
18 an annual audit of the financial and administrative operations of the mayoral academy, and the
19 manner in which the funds allocated to the mayoral academy will be managed and disbursed;

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

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

24 [\(18\) Provide written support from school districts in the proposed catchment area if](#)
25 [required pursuant to §16-77-5.1.](#)

26 ~~**16-77.4-3. Process for consideration of proposed charter. --**~~ **Process for**
27 **consideration of proposed charter or expansion. --** (a) If the commissioner finds the proposed
28 charter to be incomplete, further information may be requested and required. The commissioner
29 shall develop regulations for amending an approved charter, consistent with the provisions of this
30 chapter.

31 (b) After having received a satisfactory proposed charter, the commissioner will provide
32 for a public comment period of not less than sixty (60) days, during which they will hold at least
33 two (2) public hearings on the proposed charter. These hearings will be held in the district where
34 the proposed mayoral academy is to be located. Any person may file with the committee and/or

1 the commissioner comments, recommendations, and/or objections relevant to the granting of a
2 charter.

3 (c) The commissioner will decide whether to recommend the granting of the charter to
4 the ~~board-of-regents~~ council on elementary and secondary education within ninety (90) days after
5 the conclusion of the public comment period.

6 (d) If the commissioner recommends the granting of the proposed charter, the matter
7 shall be referred to the ~~board-of-regents~~ council on elementary and secondary education for a
8 decision on whether to grant a charter. The ~~board-of-regents~~ council on elementary and secondary
9 education may grant a charter for a period of up to five (5) years. The decision of the ~~board-of~~
10 ~~regents~~ council on elementary and secondary education, complete with reasons and conditions,
11 shall be made available to the public and to the applicant. Charter public school approval for
12 establishment or continuation shall be for up to a five (5) year period. At the conclusion of each
13 five (5) year period, the ~~board-of-regents~~ council on elementary and secondary education may
14 conduct a subsequent review of the mayoral academy's charter. If the ~~board-of-regents~~ council on
15 elementary and secondary education does not conduct such a review, the charter shall renew for
16 another five (5) year period. The commissioner, with approval of the ~~board-of-regents~~ council on
17 elementary and secondary education, shall promulgate rules and regulations for these five (5) year
18 reviews.

19 (e) In considering a proposed charter and an amendment to a charter for expansion, the
20 council on elementary and secondary education shall place substantial weight on the fiscal and
21 programmatic impact on the sending school district(s) and educational impact on the students in
22 the district to ensure that the proposal is economically and academically prudent for the proposed
23 sending school district(s) and all of the students in the sending district(s).

24 ~~(e)~~(f) The commissioner, with the approval of the ~~board-of-regents~~ council on elementary
25 and secondary education, may grant a variance to any provision of title 16 other than those
26 enumerated in § 16-77.4-7 and to any department of education regulation and to any school
27 district regulation which does not affect the health and safety or civil rights of pupils in a mayoral
28 academy.

29 ~~(f)~~(g) All proposed charters shall be matters of public record and will be provided to
30 members of the public upon request.

31 SECTION 4. This act shall take effect upon passage.

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LC006189
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

1 This act would require local written support, in the form of an ordinance granted by a
2 town or city council of a sending district, for a proposed network charter school, and would
3 require the council on elementary and secondary education to place substantial weight on the
4 impact of the sending districts when considering a proposed charter or expansion of a charter.

5 This act would take effect upon passage.

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