

2022 -- S 2439

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LC004925  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- DEPARTMENT OF ELEMENTARY AND SECONDARY  
EDUCATION

Introduced By: Senators Zurier, and Cano

Date Introduced: March 01, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State  
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island  
3 Board of Education Act]" is hereby amended to read as follows:

4           **16-1-5. Duties of commissioner of elementary and secondary education.**

5           It shall be the duty of the commissioner of elementary and secondary education:

- 6           (1) To carry out the policies and program formulated by the council on elementary and  
7 secondary education.
- 8           (2) To evaluate credentials of applicants for certificates, to verify that the certification of  
9 teachers is in accordance with law and established standards, and to issue certificates at the direction  
10 of the board.
- 11           (3) To certify the approval of accredited schools.
- 12           (4) To recommend to the board an outline of the subjects and courses of study and the  
13 instructional standards for elementary and secondary schools.
- 14           (5) To approve the distribution of state school funds in accordance with law and the  
15 regulations of the board.
- 16           (6) To verify that school sites and school building plans are in accordance with law and  
17 regulations.
- 18           (7) To exercise supervision over school libraries and library services.

1 (8) To certify that school bus routes and schedules and all contracts for pupil transportation  
2 conform with provisions of law and the rules and regulations of the board.

3 (9) To require the observance of all laws relating to schools and education.

4 (10) To interpret school law and to decide such controversies as may be appealed to the  
5 commissioner from decisions of local school committees.

6 (11) To prepare and recommend standard forms for the use of local schools.

7 (12)(i) To prepare, with the assistance of the department of administration, manuals of  
8 uniform budgetary and standard financial records and procedures for local school officers. The  
9 board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,  
10 and those procedures should include, at a minimum, the following:

11 (A) Provision for uniform classification of revenues and expenditures;

12 (B) Requirements of detailed expenditure estimates and a table of organization including  
13 the proposed staffing of each school;

14 (C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the  
15 current and ensuing fiscal years; and

16 (ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000) not  
17 otherwise appropriated shall be included in the appropriation made to support the department of  
18 elementary and secondary education.

19 (13) To receive general supervision from the council on elementary and secondary  
20 education and to appoint the several officers and employees of the department subject to the  
21 provisions of the state merit system act, chapters 3 and 4 of title 36.

22 (14) To establish health education, alcohol and substance abuse programs for students in  
23 grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will  
24 consist of the following: A mandated state health education, alcohol and substance abuse  
25 curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in the  
26 areas of health, fitness, alcohol and substance abuse, and an in-service training program that will  
27 be developed specifically for the implementation of the mandated curriculum.

28 (15)(i) To appoint a three-member (3) committee for the purpose of choosing a "teacher of  
29 the year" among teachers in public school grades kindergarten (K) through twelve (12). The  
30 "teacher of the year" shall receive an award of one thousand dollars (\$1,000).

31 (ii) It is the intent of the general assembly that the funds necessary to carry out the  
32 provisions of this subdivision shall be provided within the annual appropriations act.

33 (16) To institute a process to review, revise, and adopt statewide academic standards that  
34 align with state assessments for the core subjects of mathematics, English language arts, science

1 and technology, history and social studies, world languages, and the arts.

2 (17) To institute a process for adapting, adopting, and developing curriculum frameworks  
3 for mathematics, English language arts, science and technology, history and social studies, world  
4 languages, and the arts covered by the academic standards.

5 (18) To institute a process for reviewing and identifying high-quality curriculum and  
6 materials in mathematics, English language arts, and science and technology.

7 (19) To prepare each year a plan for providing statewide assistance in the preparation and  
8 implementation of professional development plans.

9 (20) To promulgate rules and regulations relating to the charter public school lottery  
10 process established pursuant to § 16-77-6.1(f). Notwithstanding the foregoing provision,  
11 exceptions to this lottery process may be made for charter public schools, as defined by § 16-77-  
12 2.1(4), that are created with the purpose of offering specialized training and education in specific  
13 fields of study or targeting at-risk groups approved by the commissioner.

14 SECTION 2. Sections 16-77-2.1, 16-77-5.1 and 16-77-6.1 of the General Laws in Chapter  
15 16-77 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 - The Rhode  
16 Island Board of Education Act]" are hereby amended to read as follows:

17 **16-77-2.1. Definitions.**

18 As used in this chapter, the following words shall have the following meanings:

19 (1) "District charter schools" means schools created by existing public schools, groups of  
20 public school personnel, public school districts, or a group of school districts.

21 (2) "Independent charter schools" means schools created by: ~~(i)~~ (i) Rhode Island nonprofit  
22 organizations provided that these nonprofit organizations shall have existed for at least two (2)  
23 years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or  
24 universities within the State of Rhode Island.

25 (3) "Mayoral academies" means schools created by a mayor of any city or town within the  
26 State of Rhode Island, acting by or through a nonprofit organization (regardless of the time said  
27 nonprofit organization is in existence) to establish a mayoral academy as hereinafter described in  
28 chapter 16-77.4 ("Mayoral Academies"). For purposes of this chapter the term "mayor" shall  
29 include any elected town administrator.

30 (4) "Charter public schools" means district charter schools, independent charter schools, or  
31 mayoral academies.

32 (5) "Board of regents" means the Rhode Island board of regents for elementary and  
33 secondary education.

34 (6) "Commissioner" means the Rhode Island commissioner of elementary and secondary

1 education.

2 (7) "Sending school district" means the district where the student attending or planning to  
3 attend a charter public school resides.

4 (8) "Educationally disadvantaged students" means all or a subset of the following: students  
5 who are economically disadvantaged, students with disabilities, limited English proficient students,  
6 migrant children, abused or neglected children, and children experiencing homelessness.

7 (9) "Students who are economically disadvantaged" means students who qualify for free  
8 or reduced lunch.

9 (10) "Students with disabilities" means students who are eligible to receive services under  
10 the Individuals with Disabilities Education Act.

11 (11) "Limited English proficient students" means students who require assistance with  
12 acquisition of the English language.

13 (12) "Migrant children" means children who are migratory agricultural workers or fishers,  
14 or who move from one school district to another with a parent or guardian who is a migratory  
15 agricultural worker or fisher.

16 (13) "Abused or neglected children" means children whose physical or mental health or  
17 welfare is harmed, or threatened with harm, by his or her parent or other person responsible for his  
18 or her welfare, pursuant to § 40-11-2.

19 (14) "Children experiencing homelessness" refers to children or youth experiencing the  
20 conditions defined in regulations issued by the commissioner under § 16-64-2 to comply with the  
21 federal Stewart B. McKinney Homeless Assistance Act.

22 **16-77-5.1. Oversight by commissioner.**

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

28 (b) Charter public school approval for establishment or continuation shall be for up to a  
29 five-year (5) period. In either case, council on elementary and secondary education approval is  
30 required. Approval shall not be given unless the charter public school explains how its offer of  
31 enrollment will be in accordance with state and federal law, including the process prescribed by §  
32 16-77-6.1(f). The explanation shall include, but is not limited to, the offer and acceptance process,  
33 the right to refuse an offer, and the effect of siblings not attending the charter public school.

34 (c) Local, written support shall be required for a proposed charter that is a network charter

1 school as defined herein. "Written support" means a resolution or ordinance granted by the town or  
2 city council for each proposed sending district where the council considers the fiscal and  
3 educational welfare of the municipality and students after at least one public hearing.

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

7 (e) Charter public schools, as defined in § 16-77-2.1(4) and authorized as of the effective  
8 date of this act [July 13, 2016], shall be exempt from subsection (c) of this section and shall not  
9 require local, written support under subsection (c) for any proposed expansion or charter renewal.

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

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

- 15 (1) Materially violates provisions contained in the charter;
- 16 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 17 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 18 (4) Violates provisions of law that have not been granted variance by the council on  
19 elementary and secondary education; ~~or~~

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

24 (6) Bases its offers of enrollment on criteria that are not in accordance with state and federal  
25 law, including the process prescribed by § 16-77-6.1(f).

26 (g) After denying, or prior to non-renewing or revoking a charter, the department of  
27 elementary and secondary education will hold a hearing on the issues in controversy under § 16-  
28 39-1.

29 (h) The establishment of new charter public schools shall be contingent upon state approval  
30 and appropriation.

31 **16-77-6.1. Additional standards.**

32 (a) No student tuition or mandatory fees may be charged by any charter public school.

33 (b) A charter public school may include any grade up to grade twelve (12) or any  
34 configuration of those grades, including kindergarten and prekindergarten. If specified in its

1 charter, a charter public school may also operate an adult education program, adult high school  
2 completion program, or general education development testing preparation program.

3 (c) It is the intent of the general assembly that priority of consideration be given to charter  
4 public school applications designed to increase the educational opportunities of educationally  
5 disadvantaged [students, as defined in § 16-77-2.1](#), and at-risk pupils.

6 (d) A student who is not under suspension or expulsion for discipline reasons may  
7 withdraw from a charter public school at any time and enroll in another public school in the district  
8 where the student resides as determined by the school committee of the district. A student may be  
9 suspended or expelled from a charter public school in accordance with the board of regents  
10 regulations for suspensions and/or expulsions, and other public schools may give full faith and  
11 credit to that suspension or expulsion.

12 (e) The governing body of a charter public school shall be subject to the Open Meetings  
13 Law, chapter 46 of title 42.

14 [\(f\) Charter public schools, defined in § 16-77-2.1\(4\), shall conduct a weighted lottery to](#)  
15 [determine enrollment. Charter public schools may develop their own lottery procedures; provided](#)  
16 [that they are consistent with federal and state laws, including the following:](#)

17 [\(1\) A charter public school's lottery shall be weighted in favor of at least three \(3\) subsets](#)  
18 [of educationally disadvantaged students, defined in § 16-77-2.1\(8\). The weights shall be formulated](#)  
19 [to meet or exceed the sending school district's representation for that group, as best as possible.](#)

20 [\(2\) The weighted lottery shall be designed as an opt-out system:](#)

21 [\(i\) By March 1 of every year, all students enrolled in school districts that are included in a](#)  
22 [charter public school's catchment area shall be entered into the weighted lottery for all charter](#)  
23 [public schools that the students would be eligible to attend, if offered.](#)

24 [\(ii\) On or before February 1 of every year, a parent or guardian may opt their student out](#)  
25 [of the charter public school weighted lottery system for the entire state by notifying the school](#)  
26 [district that their student attends or the department of elementary and secondary education \(the](#)  
27 ["department"\) of their intent not to have their student entered into any weighted lottery for charter](#)  
28 [public schools.](#)

29 [\(A\) Only parents or guardians who intend to opt their student out of weighted lotteries for](#)  
30 [all charter public schools in the state shall be permitted to notify the school district their student](#)  
31 [attends or the department under this subsection. No opt-out notification shall be permitted for](#)  
32 [parents or guardians who intend for their student be entered into the weighted lottery of some](#)  
33 [charter public schools, but not others.](#)

34 [\(B\) This notification shall only be required once in the academic career of each student.](#)

1 Parents or guardians who notify their student's school district or the department of their intention  
2 to opt their student out of weighted lotteries for all charter public schools in the state shall not be  
3 required to submit the opt-out notification every year.

4 (C) Parents or guardians who have submitted an opt-out notification may rescind this notice  
5 at any time, thereby allowing their student to be included in weighted lotteries for all charter public  
6 schools in the state; provided that, they do so by February 1.

7 (iii) The parent or guardian of a student not registered in the school district for which they  
8 are eligible to register may provide the student's data to the department of education by February  
9 1 to ensure the student is entered in the lottery for enrollment.

10 (iv) The parent or guardian of a student not residing in the school district for which they  
11 would be eligible to register at the time of the lottery may, with an acknowledgment that they intend  
12 to be registered in the school district at the commencement of the school year, provide the student's  
13 data to the department of education by February 1 to ensure the student is entered in the lottery for  
14 enrollment.

15 (v) The department shall coordinate with each school district to ensure the opt-out  
16 information received from parents or guardians in that academic year is current.

17 (3) Upon completion of its annual weighted lottery:

18 (i) Each charter public school shall notify the department of the results, and the charter  
19 public school shall offer enrollments according to its approved charter to those students selected in  
20 the weighted lottery.

21 (ii) Students shall either accept or reject the offer to enroll at the charter public school.

22 (A) In the event a student rejects the offer to enroll, another student shall be selected from  
23 the waitlist pursuant to the charter public school's approved charter, until all available slots for  
24 students are filled.

25 (4) Notwithstanding students who are otherwise eligible for enrollment prioritization as  
26 siblings of currently enrolled students or children of staff, all remaining openings shall be offered  
27 to those students selected through the weighted lottery process established by this § 16-77-6.1(f).

28 (5) Nothing in this section shall preclude any eligible public school student of any age for  
29 enrollment in a district charter school for which they would be eligible if offered. District charter  
30 schools may not discriminate on the basis of an applicant's race, ethnicity, religion, gender, and/or  
31 sexual orientation.

32 (g) The department shall promulgate rules and regulations to implement the purposes of  
33 this section, which shall include, but are not limited to:

34 (1) The manner and form of the weighted lottery opt-out notification;

1           (2) The manner and form of notification that charter public schools shall use to contact  
2 parents or guardians when a student is selected in a charter public school's lottery; provided that,  
3 no fewer than two (2) separate notifications are provided; and

4           (3) The manner and form of notification that parents or guardians shall use to accept or  
5 reject their student's offer of enrollment at a charter public school.

6           (h) By October 1, 2023, and by every October 1 thereafter, the department shall report to  
7 the general assembly:

8           (1) The number of students in each educationally disadvantaged subset, identified in § 16-  
9 77-2.1(8), that were selected for each grade in every charter public school's lottery in each of the  
10 previous five (5) years:

11           (2) The number of students in each educationally disadvantaged subset, identified in § 16-  
12 77-2.1(8), that enrolled in each charter public school in each of the previous five (5) academic  
13 years:

14           (i) As a result of a lottery; and

15           (ii) As a result of another selection process including, but not limited to, enrollment  
16 prioritization as a sibling of a currently enrolled student or a child of staff; and

17           (3) The percentage of total school enrollment that the numbers listed in subsection (h)(2)(i)  
18 of this section represent.

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

22           **16-77.2-1. Entities eligible to apply to become district charter schools.**

23           (a) Persons or entities eligible to submit an application to establish a district charter school  
24 shall be limited to:

25           (1) Existing public schools;

26           (2) Groups of public school personnel;

27           (3) Public school districts; or

28           (4) A group of school districts.

29           (b) No existing public school shall be converted into a district charter school unless a  
30 majority of the parents and/or guardians of the students currently assigned to the school and two-  
31 thirds ( $\frac{2}{3}$ ) of the certified teaching personnel currently assigned to the school approve the proposed  
32 charter, as provided in § 16-77.2-2.

33           (c) School professionals employed by a local or regional school committee or the State of  
34 Rhode Island shall be entitled to a two (2) year leave of absence, without compensation, in order to



1 be employed in a district charter school, provided this leave shall be extended upon request for an  
2 additional two (2) years. At any time during or upon completion of this leave of absence, a school  
3 professional may return to work in the school district in the position in which he or she was  
4 previously employed or a comparable position. This leave of absence shall not be deemed to be an  
5 interruption of service for purposes of seniority and teachers' retirement.

6 (d) No child shall be required to attend a district charter school nor shall any teacher be  
7 required to teach in a district charter school. The school committee shall make accommodations to  
8 facilitate the transfer of students who do not wish to participate in the district charter school into  
9 other public schools. It shall also make accommodations for those students who wish to participate  
10 to transfer into the district charter school as space permits. ~~If the total number of students who are  
11 eligible to attend and apply to a district charter school is greater than the number of spaces available,  
12 the charter school shall conduct a lottery to determine which students shall be admitted.~~

13 SECTION 4. Section 16-77.3-1 of the General Laws in Chapter 16-77.3 entitled  
14 "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education  
15 Act]" is hereby amended to read as follows:

16 **16-77.3-1. Entities eligible to apply to become independent charter schools.**

17 (a) Persons or entities eligible to submit an application to establish an independent charter  
18 school shall be limited to:

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

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

23 (b) No child shall be required to attend an independent charter school nor shall any teacher  
24 be required to teach in an independent charter school. The sending school district shall make  
25 accommodations for those students who wish to participate to transfer into an independent charter  
26 school as space permits. ~~If the total number of students who are eligible to attend and apply to an  
27 independent charter school is greater than the number of spaces available, the independent charter  
28 school shall conduct a lottery to determine which students shall be admitted.~~

29 SECTION 5. Section 16-77.4-1 of the General Laws in Chapter 16-77.4 entitled "Mayoral  
30 Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
31 amended to read as follows:

32 **16-77.4-1. Entities eligible to apply to become, or for the expansion of, a mayoral**  
33 **academy.**

34 (a) A "mayoral academy" means a charter school created by a mayor of any city or town

1 within the State of Rhode Island, acting by, or through, a nonprofit organization established for  
2 said purpose (regardless of the time said nonprofit organization is in existence), that enrolls students  
3 from more than one city or town, including both urban and non-urban communities, and that offers  
4 an equal number of enrollments to students on a lottery basis; provided, further, that such mayoral  
5 academies shall have a board of trustees or directors that is comprised of representatives from each  
6 included city or town and is chaired by a mayor of an included city or town. The mayor from each  
7 city or town, or in the absence of a mayor, the city or town council via a resolution or ordinance,  
8 shall approve the participation in the mayoral academy's catchment area for a proposed charter or  
9 an amendment to a charter for expansion. For purposes of this chapter, the term "mayor" shall  
10 include any elected town administrator.

11 (b) No child shall be required to attend a mayoral academy, nor shall any teacher be  
12 required to teach in a mayoral academy. The school committee of the district in which a mayoral  
13 academy is located shall make accommodations to facilitate the transfer of students who do not  
14 wish to participate in a mayoral academy into other public schools. It shall also make  
15 accommodations for those students who wish to transfer into the mayoral academy as space  
16 permits. ~~If the total number of students who are eligible to attend and apply to a mayoral academy~~  
17 ~~is greater than the number of spaces available, the mayoral academy shall conduct a lottery to~~  
18 ~~determine which students shall be admitted.~~

19 SECTION 6. 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 -- DEPARTMENT OF ELEMENTARY AND SECONDARY  
EDUCATION

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1           This act would amend the charter school lottery admission process and would provide for  
2 a detailed, weighted lottery process. The weighted lottery would be an “opt-out” process whereby  
3 parents or guardians could notify the school district that their student attends or the department of  
4 education that they do not wish their student to be part of the weighted lottery process. The act  
5 would allow exceptions to be made from the weighted lottery process for certain charter schools  
6 created with the purpose of offering specialized training and education in specific fields of study  
7 or targeting at-risk groups, as approved by the commissioner.

8           This act would take effect upon passage.

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