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LC001636
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Senators Thompson, Murray, Pearson, Patalano, Urso, Valverde, and
Kallman
Date Introduced: March 27, 2025
Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Sections 16-77-2.1 and 16-77-3.1 of the General Laws in Chapter 16-77
2 entitled "Establishment of Charter Public Schools " are hereby amended to read as follows:
- 3 **16-77-2.1. Definitions.**
- 4 As used in this chapter, the following words shall have the following meanings:
- 5 ~~(5)~~(1) "Board of regents" means the Rhode Island board of regents for elementary and
6 secondary education.
- 7 (2) "Bona fide labor organization" means a labor organization recognized under the
8 National Labor Relations Act or the provisions of chapter 7 of title 28 ("labor relations act").
- 9 ~~(4)~~(3) "Charter public schools" means district charter schools, independent charter schools,
10 or mayoral academies.
- 11 ~~(6)~~(4) "Commissioner" means the Rhode Island commissioner of elementary and
12 secondary education.
- 13 ~~(4)~~(5) "District charter schools" means schools created by existing public schools, groups
14 of public school personnel, public school districts, or a group of school districts.
- 15 (6) "Employees" means non-represented, non-management, and non-confidential
16 employees of a charter school.
- 17 ~~(2)~~(7) "Independent charter schools" means schools created by: (I) Rhode Island nonprofit
18 organizations provided that these nonprofit organizations shall have existed for at least two (2)
19 years and must exist for a substantial reason other than to operate a school; or (ii) Colleges or

1 universities within the State of Rhode Island.

2 ~~(3)~~(8) “Mayoral academies” means schools created by a mayor of any city or town within
3 the State of Rhode Island, acting by or through a nonprofit organization (regardless of the time said
4 nonprofit organization is in existence) to establish a mayoral academy as hereinafter described in
5 chapter 16-77.4 (“Mayoral Academies”). For purposes of this chapter the term “mayor” shall
6 include any elected town administrator.

7 ~~(7)~~(9) “Sending school district” means the district where the student attending or planning
8 to attend a charter public school resides.

9 **16-77-3.1. Legislative purpose.**

10 (a) The purpose of this chapter is to provide an alternative within the public education
11 system by offering opportunities for entities identified in § 16-77-2.1 to establish and maintain a
12 high performing public school program according to the terms of a charter. The key appeal of the
13 charter school concept is its promise of increased accountability for student achievement in
14 exchange for increased school autonomy.

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

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

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

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

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

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

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

10 (6) Hold the schools established under this chapter accountable for meeting publicly
11 promulgated, measurable, state and charter-based pupil academic results, and provide the schools
12 with a method to implement performance-based and/or other student-based accountability systems,
13 while providing a means to restrict the expansion of ineffective charter public schools; and

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

15 (d) No private or parochial schools shall be eligible for charter public school status, nor
16 shall a charter public school be affiliated in any way with a sectarian school or religious institution.
17 Any charter public school authorized by this chapter shall be nonsectarian and nonreligious in its
18 programs, admissions policies, employment practices, and all other operations. The board of
19 regents shall not approve a charter to a school whose overall operation or education program is
20 managed by a for profit entity.

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

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

29 (g) No more than thirty-five (35) charters shall be granted. At least one-half (½) of the total
30 number of charter public schools in the state shall be reserved for charter school applications which
31 are designed to increase the educational opportunities for at-risk pupils.

32 [\(h\) Charter schools shall remain neutral regarding unionization of any of its employees by](#)
33 [establishing a “union neutrality clause” to be included in the charter upon the renewal of a certified](#)
34 [charter school or application for a new charter school.](#)

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

16-77.2-2. Procedure for creation of district charter schools.

(a) Any persons or entities eligible to establish a district charter school may submit a proposed charter to the commissioner and the school committee of the district where the district charter school is to be located. The proposed charter shall:

(1) Be submitted to the commissioner and to the school committee of the district where the district charter school is to be located no later than December 1st of the school year before the school year in which the district charter school 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 district charter school 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 district where the district charter school is to be located, and the commissioner, which indicates the progress made by the district charter school during the previous year in meeting the charter objectives;

(6) Present a plan for the governance, administration, and operation of the district charter school, 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 district charter school, and the means of ensuring accountability to the commissioner, the school district of the district where the district charter school is to be located, and the board of regents;

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

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

- 1 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
2 and staff;
- 3 (10) Describe enrollment procedures including the permissible criteria for admission in
4 accordance with applicable state and federal law, along with a policy or policies that outline
5 outreach and recruitment programs to encourage the enrollment of a diverse student population;
- 6 (11) Explain the student discipline procedures;
- 7 (12) Explain the relationship that will exist between the proposed district charter school
8 and its employees, including the terms and conditions of employment and the qualifications that
9 the employees must meet. Teachers and administrators in district charter schools must be certified
10 pursuant to state law and regulation. Teachers and administrators in district charter schools shall be
11 entitled to prevailing wages and benefits as enjoyed by other public school teachers and
12 administrators within the school district where the district charter school is to be located and to the
13 state teachers' retirement system under chapter 8 of title 36. Employment in a district charter school
14 shall be considered "service" as that term is defined in chapter 16 of this title. All employees and
15 prospective employees of a district charter school shall be deemed to be public school employees,
16 having the same rights, including retirement, under Rhode Island and federal law as employees and
17 prospective employees at a non-chartered public school-;
- 18 (13) Upon renewal of a existing certified charter or upon application for a new charter
19 school to create a "union neutrality clause" that provides that the charter school commits to the
20 following:
- 21 (i) To remain neutral, regarding the unionization of any of its employees, such that the
22 charter school shall not at any time express a position on the matter of whether its employees should
23 be unionized and such that the charter school shall not threaten, intimidate, discriminate against,
24 retaliate against, or take any adverse action against any employees based on their decision to
25 support or oppose union representation;
- 26 (ii) That the charter school shall provide any bona fide labor organization access at
27 reasonable times to areas in which the charter school's employees work for the purpose of meeting
28 with employees to discuss their right to representation, employment rights under the law, and terms
29 and conditions of employment; and
- 30 (iii) That union recognition shall be through a majority card check verified by a neutral
31 third-party arbitrator mutually selected by the charter school and the bona fide labor organization
32 through alternate striking from a panel of arbitrators provided by the Federal Mediation and
33 Conciliation Service.
- 34 ~~(13)~~(14) Identify with particularity the state statutes, state regulations, and school district

1 rules from which variances are sought in order to facilitate operation of the district charter school.
2 Explain the reasons for each variance and the alternative method by which the concern that gave
3 rise to the regulation or provision will be addressed;

4 ~~(14)~~(15) The proposed charter shall set forth those provisions of the collective bargaining
5 agreement which will not be applicable to that district charter school subject to agreement by the
6 parties to the collectively bargaining agreement;

7 ~~(15)~~(16) Provide a financial plan including a proposed budget for the term of the charter,
8 and an annual audit of the financial and administrative operations of the district charter school, and
9 the manner in which the funds allocated to the district charter school will be managed and
10 disbursed;

11 ~~(16)~~(17) Provide procedures by which teaching personnel and parents can legally challenge
12 decisions of the governing board of the school which do not conform to the school's charter; and
13 ~~(17)~~(18) Provide a copy of the proposed bylaws of the district charter school.

14 (b) In those instances where a charter is being sought for an existing public school, the
15 proposed charter must receive the affirmative votes of two-thirds ($\frac{2}{3}$) of the teachers assigned to
16 the school prior to implementation. If approved by the faculty, the proposed charter shall be voted
17 on by the parents or legal guardians of each student assigned to the school, with one vote being cast
18 for each student. To be adopted by the parents, the proposed charter must receive the affirmative
19 votes of parents or legal guardians representing a majority of all the students assigned to the school.

20 (c) In those instances where a charter is being sought for a newly created district charter
21 school, the proposed charter must receive the affirmative support of a number of certified teachers
22 employed within the school district where the district charter school is to be located at least equal
23 to two-thirds ($\frac{2}{3}$) of the number of teachers that will be required to staff the proposed district charter
24 school. The teachers who affirmatively support the proposed charter must state their desire to
25 transfer to the district charter school, once established, and to teach under the terms of the charter.
26 To demonstrate parental support within the school district, the charter must receive the affirmative
27 support of parents or legal guardians representing a number of students currently enrolled in the
28 school district equal to at least one-half ($\frac{1}{2}$) of the number of students who would be needed to
29 attend the proposed district charter school. The parents or guardians must state their desire to have
30 their children transfer to the district charter school, once established, and to be educated under the
31 terms of the charter. The charter may then be presented by the commissioner to the board of regents
32 for its approval. The charter shall set forth those provisions of state statute, regulation, and school
33 district rules which will not be applicable to that district charter school

34 (d) By approval of the charter upon the recommendation of the commissioner, the board of

1 regents will be deemed to have authorized all necessary variances from law and regulation
2 enumerated in the charter. Should the need for relief from the operation of additional provisions of
3 law and/or contract become apparent subsequent to implementation of the charter, a variance may
4 be obtained by an affirmative vote of two-thirds ($\frac{2}{3}$) of the teachers then assigned to the school,
5 agreement by all parties to the collective bargaining agreement and by an affirmative vote of the
6 board of regents upon a recommendation of the commissioner.

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

10 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

11 (a) Any persons or entities eligible to establish an independent charter public school may
12 submit a proposed charter, or an amendment to a charter for an expansion, to the commissioner.
13 For purposes of this chapter, "expansion" shall be an increase in total enrollment; an increase in
14 the grade levels previously authorized in the charter, or the addition of a school district to the
15 catchment area. The proposed charter shall:

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

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

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

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

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

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

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

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

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

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

12 (11) Explain the student discipline procedures;

13 (12) Explain the relationship that will exist between the proposed independent charter
14 school and its employees, including the terms and conditions of employment and the qualifications
15 that the employees must meet. Teachers and administrators in independent charter schools must be
16 certified pursuant to state law and regulation. Teachers and administrators in independent charter
17 schools shall be entitled to prevailing wages and benefits as enjoyed by other Rhode Island public
18 school teachers and administrators. Employment in an independent charter school shall be
19 considered “service” as that term is defined in chapter 16 of this title for purposes of determining
20 the appropriate step on a salary schedule for certified personnel. Employment in an independent
21 charter school can be considered “service” as that term is defined in chapter 16 of this title for
22 determining status in the teachers’ retirement system. All employees, and prospective employees
23 of an independent charter school shall be deemed to be public school employees, having the same
24 rights under Rhode Island and federal law as employees, and prospective employees at a non-
25 chartered public school;

26 (13) Requires all independent charter schools, upon renewal of a certified charter or
27 application for a new charter school to create a "union neutrality clause" that provides the
28 following:

29 (i) To remain neutral, regarding the unionization of any of its employees such that the
30 charter school shall not at any time express a position on the matter of whether its employees should
31 be unionized and such that the charter school shall not threaten, intimidate, discriminate against,
32 retaliate against, or take any adverse action against any employees based on their decision to
33 support or oppose union representation;

34 (ii) That the charter school shall provide any bona fide labor organization access at

reasonable times to areas in which the charter school's employees work for the purpose of meeting with employees to discuss their right to representation, employment rights under the law, and terms and conditions of employment; and

(iii) That union recognition shall be through a majority card check verified by a neutral third-party arbitrator mutually selected by the charter school and the bona fide labor organization through alternate striking from a panel of arbitrators provided by the Federal Mediation and Conciliation Service.

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

~~(14)~~(15) Provide a financial plan, including a proposed budget for the term of the charter, and an annual audit of the financial and administrative operations of the independent charter school, and the manner in which the funds allocated to the independent charter school will be managed and disbursed;

~~(15)~~(16) Provide procedures by which teaching personnel and parents can legally challenge decisions of the governing board of the school that do not conform to the school's charter;

~~(16)~~(17) Provide a copy of the proposed bylaws of the independent charter school; and

~~(17)~~(18) Provide written support from town or city council(s) in the proposed catchment area if required pursuant to § 16-77-5.1.

(b) Any nonprofit organization that seeks to establish an independent charter school must submit its financial records and financial plan for operating the school to the auditor general, who shall review the records, the financial plan, and the financial integrity of the organization. At the time of submission of a proposed charter, the financial records and financial recordkeeping system of the nonprofit organization and the proposed financial plan for the independent charter school shall be reviewed by the auditor general and the auditor general shall, while the proposed charter is being considered for preliminary approval by the council on elementary and secondary education, provide an initial determination to the council on elementary and secondary education, the commissioner, and the speaker of the house of representatives and the president of the senate indicating that the auditor general is satisfied that the nonprofit organization is financially responsible. Final approval for operation of the independent charter school shall not be granted by the council on elementary and secondary education until the auditor general has approved the financial plan and financial-record keeping system and is satisfied that the nonprofit organization is financially responsible. The auditor general shall notify the council on elementary and secondary

1 education, the commissioner, the president of the senate, and the speaker of the house of
2 representatives of the findings. During the year immediately preceding the September in which the
3 independent charter school is to begin operation, the charter applicant shall make any additional
4 submissions to the auditor general prescribed by the auditor general in the initial determination.
5 Additional submissions during the year prior to the September in which the independent charter
6 school is to begin operation shall include, but not be limited to evidence submitted to the auditor
7 general, not later than June 1st prior to the opening of the independent charter school, of the
8 existence of an agreement, option for lease or purchase, lease agreement, or purchase agreement,
9 contingent upon general assembly funding, for a facility in which the independent charter school
10 will operate in its first year of operation. The auditor general shall have the authority to review
11 independent charter schools affiliated with nonprofit organizations on an annual basis or require
12 the school to have an annual, certified audit in accordance with the same federal and state standards
13 that are applicable to local public school districts. If, as a result of any annual audit, the auditor
14 general believes there are financial irregularities, the auditor general shall withdraw the original
15 approval and the council on elementary and secondary education shall withdraw its approval for
16 the independent charter school to continue operation.

17 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 -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

- 1 This act would require all certified independent or district charter schools upon application
2 for a renewal of said charter or an application for a new charter school to provide a union neutrality
3 clause in the charter.
4 This act would take effect upon passage.

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