

2026 -- H 7415

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LC004443

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Representatives Messier, Kislak, Casey, Furtado, Kazarian, Alzate, Sanchez, Serpa, Fogarty, and Phillips

Date Introduced: January 30, 2026

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77-3.1 and 16-77-5.1 of the General Laws in Chapter 16-77
2 entitled "Establishment of Charter Public Schools [See Title 16 Chapter 97 — The Rhode Island
3 Board of Education Act]" are hereby amended to read as follows:

4 **16-77-3.1. Legislative purpose.**

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

10 (b) Charter public schools are intended to be vanguards, laboratories, and an expression of
11 the on-going and vital state interest in the improvement of education. Notwithstanding the
12 provisions of this section or any law to the contrary, a charter school shall be deemed to be a public
13 school acting under state law and subject to the Age Discrimination Act of 1975, 42 U.S.C. § 6101,
14 et seq., title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq., title IX of the educational
15 amendments of 1972, 20 U.S.C. § 1681, et seq., § 794 of title 29, and part B of the Individuals With
16 Disabilities Education Act, 20 U.S.C. § 1411, et seq. All students and prospective students of a
17 charter school shall be deemed to be public school students, having all the same rights under federal
18 and Rhode Island law as students and prospective students at a non-chartered public school. These
19 charter public schools shall be vehicles for research and development in areas such as curriculum,

1 pedagogy, administration, materials, facilities, governance, parent relations and involvement,
2 social development, instructor's and administrator's responsibilities, working conditions, student
3 performance and fiscal accountability. It is the intent of the general assembly to create within the
4 public school system vehicles for innovative learning opportunities to be utilized and evaluated in
5 pilot projects. The provisions of this chapter are to be interpreted liberally to support the purposes
6 set forth in this chapter and to advance a renewed commitment by the state to the mission, goals,
7 and diversity of public education.

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

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

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

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

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

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

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

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

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

31 (e) The commissioner is empowered to promulgate rules and regulations consistent with
32 this chapter, in conformance with chapter 35 of title 42, for the creation and operation of charter
33 public schools. These rules and regulations shall set forth the process for rescission of state approval
34 of a charter public school, including appropriate protections to ensure the continued provision of

1 education services to the students of the charter public school whose charter is rescinded.

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

5 (g) No more than ~~thirty-five (35)~~ twenty-five (25) charters shall be granted. At least one-
6 half (½) of the total number of charter public schools in the state shall be reserved for charter school
7 applications which are designed to increase the educational opportunities for at-risk pupils.

8 (h) The council on elementary and secondary education shall not grant preliminary
9 approval or final approval for the creation or expansion of any district charter school, independent
10 charter school or mayoral academy charter school to begin operation in the 2026-2027, 2027-2028,
11 or 2028-2029 school years.

12 **16-77-5.1. Oversight by commissioner.**

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

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

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

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

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

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

1 However, the charter may be revoked at any time if the school:
2 (1) Materially violates provisions contained in the charter;
3 (2) Fails to meet or pursue the educational objectives contained in the charter;
4 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
5 (4) Violates provisions of law that have not been granted variance by the council on
6 elementary and secondary education; or
7 (5) After three (3) consecutive years of operation, is not a "high-performing charter
8 school," defined as a charter public school that has demonstrated overall success, including: (i)
9 Substantial progress in improving student achievement; and (ii) The management and leadership
10 necessary to establish a thriving, financially viable charter public school.

11 (g) After denying, or prior to non-renewing or revoking a charter, the department of
12 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
13 39-1.

14 (h) The establishment of new charter public schools shall be contingent upon state approval
15 and appropriation. The state shall not approve or appropriate funding to any new charter school or
16 to expand an existing charter school that has not been approved by the council on elementary or
17 secondary education prior to July 1, 2025, for the fiscal year 2026-2027, fiscal year 2027-2028, or
18 fiscal year 2028-2029.

19 SECTION 2. Section 16-77.2-2 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 **16-77.2-2. Procedure for creation of district charter schools.**

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

26 (1) Be submitted to the commissioner and to the school committee of the district where the
27 district charter school is to be located no later than December 1st of the school year before the
28 school year in which the district charter school is to be established;

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

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

7 (6) Present a plan for the governance, administration, and operation of the district charter
8 school, including the manner in which the governing board of the school will be chosen, the nature
9 and extent of parental, professional educator, and community involvement in the governance and
10 operation of the district charter school, and the means of ensuring accountability to the
11 commissioner, the school district of the district where the district charter school is to be located,
12 and the board of regents;

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

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

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

24 (11) Explain the student discipline procedures;

25 (12) Explain the relationship that will exist between the proposed district charter school
26 and its employees, including the terms and conditions of employment and the qualifications that
27 the employees must meet. Teachers and administrators in district charter schools must be certified
28 pursuant to state law and regulation. Teachers and administrators in district charter schools shall be
29 entitled to prevailing wages and benefits as enjoyed by other public school teachers and
30 administrators within the school district where the district charter school is to be located and to the
31 state teachers' retirement system under chapter 8 of title 36. Employment in a district charter school
32 shall be considered "service" as that term is defined in chapter 16 of this title. All employees and
33 prospective employees of a district charter school shall be deemed to be public school employees,
34 having the same rights, including retirement, under Rhode Island and federal law as employees and

1 prospective employees at a non-chartered public school.

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

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

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

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

14 (17) Provide a copy of the proposed bylaws of the district charter school.

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

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

8 (e) The council on elementary and secondary education shall not grant preliminary
9 approval or final approval for the creation or expansion of any district charter school to begin
10 operation in the 2026-2027, 2027-2028, or 2028-2029 school years.

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

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

15 (a) Any persons or entities eligible to establish an independent charter public school may
16 submit a proposed charter, or an amendment to a charter for an expansion, to the commissioner.
17 For purposes of this chapter, “expansion” shall be an increase in total enrollment; an increase in
18 the grade levels previously authorized in the charter, or the addition of a school district to the
19 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 independent charter school is to be established;

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

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

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

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

33 (6) Present a plan for the governance, administration, and operation of the independent
34 charter school, including the manner in which the governing board of the school will be chosen

1 the nature and extent of parental, professional educator, and community involvement in the
2 governance and operation of the independent charter school, and the means of ensuring
3 accountability to the commissioner, the sending school districts, and the council on elementary and
4 secondary education;

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

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

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

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

16 (11) Explain the student discipline procedures;

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

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

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

1 an annual audit of the financial and administrative operations of the independent charter school,
2 and the manner in which the funds allocated to the independent charter school will be managed and
3 disbursed;

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

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

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

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

1 that are applicable to local public school districts. If, as a result of any annual audit, the auditor
2 general believes there are financial irregularities, the auditor general shall withdraw the original
3 approval and the council on elementary and secondary education shall withdraw its approval for
4 the independent charter school to continue operation.

5 (c) The council on elementary and secondary education shall not grant preliminary
6 approval or final approval for the creation or expansion of any independent charter school to begin
7 operation in the 2026-2027, 2027-2028, or 2028-2029 school years.

8 SECTION 4. Section 16-77.4-2 of the General Laws in Chapter 16-77.4 entitled "Mayoral
9 Academies [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby
10 amended to read as follows:

11 **16-77.4-2. Procedure for creation and expansion of a mayoral academy.**

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

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

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

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

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

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

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

1 education;

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

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

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

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

13 (11) Explain the student discipline procedures;

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

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

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

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

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

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

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

34 (16) Provide procedures by which teaching personnel and parents can legally challenge

1 decisions of the governing board of the mayoral academy that do not conform to the mayoral
2 academy's charter;

3 (17) Provide a copy of the proposed bylaws of the mayoral academy; and

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

6 (b) The council on elementary and secondary education shall not grant preliminary
7 approval or final approval for the creation or expansion of any mayoral academy charter school to
8 begin operation in the 2026-2027, 2027-2028, or 2028-2029 school years.

9 SECTION 5. 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 prevent the council on elementary and secondary education from granting
- 2 preliminary approval or final approval for the creation or expansion of any district charter school,
- 3 independent charter school or mayoral academy charter school beginning operations in 2026-2027,
- 4 2027-2028, or 2028-2029 school years. This act would also prevent the state from approving or
- 5 appropriating funding to any new charter school or to expand an existing charter school that has
- 6 not been approved by the council on elementary or secondary education prior to July 01, 2025 for
- 7 fiscal year 2026-2027, fiscal year 2027-2028, or fiscal year 2028-2028.

- 8 This act would take effect upon passage.

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