

2010 -- S 2406

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Senators DiPalma, Jabour, Picard, Maher, and Connors

Date Introduced: February 11, 2010

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77-2 and 16-77-8 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. Legislative purpose.** -- (a) The purpose of this chapter is to provide an
4 alternative within the public education system by offering opportunities for existing public
5 schools, groups of public school personnel, school districts, and established Rhode Island
6 nonprofit organizations to establish and maintain a [high performing](#) public school program
7 according to the terms of its charter. [The key appeal of the charter school concept is its promise](#)
8 [of increased accountability for student achievement in exchange for increased school autonomy.](#)

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

1 materials, facilities, governance, parent relations and involvement, social development,
2 instructor's and administrator's responsibilities, working conditions, and fiscal [and student](#)
3 [performance](#) accountability. It is the intent of the general assembly to create within the public
4 school system vehicles for innovative learning opportunities to be utilized and evaluated in pilot
5 projects. The provisions of this chapter are to be interpreted liberally to support the purposes set
6 forth in this chapter and to advance a renewed commitment by the state to the mission, goals, and
7 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
23 systems, [while providing a means to restrict the expansion of ineffective charter schools](#); and

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

25 **16-77-8. Oversight by commissioner.** -- (a) Individuals or groups may complain to a
26 charter school's governing body concerning any claimed violation of the provisions of this
27 chapter by the school. If, after presenting their complaint to the governing body, the individuals
28 or groups believe their complaint has not been adequately addressed, they may submit their
29 complaint to the commissioner of elementary and secondary education who shall hear and decide
30 the issue pursuant to sections 16-39-1 and 16-39-2.

31 (b) Charter school approval for establishment or continuation shall be for up to a five (5)
32 year period. In either case, board of regents approval is required. However, the charter may be
33 revoked at any time if the school:

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

1 (2) Fails to meet or pursue the educational objectives contained in the charter;
2 (3) Fails to comply with fiscal accountability procedures as specified in the charter; or
3 (4) Violates provisions of law that have not been granted variance by the board of
4 regents.

5 (5) After three (3) consecutive years of operation, is not a "high performing charter
6 school," which is defined as a charter school that has demonstrated overall success, including:

7 (i) Substantial progress in improving student achievement; and

8 (ii) The management and leadership necessary to establish a thriving, financially viable
9 charter school.

10 (c) After denying or prior to nonrenewing or revoking a charter, the department of
11 elementary and secondary education will hold a hearing on the issues in controversy under
12 section 16-39-1.

13 (d) No more than ~~twenty (20)~~ thirty-five (35) charters, ~~servicing no more than four percent~~
14 ~~(4%) of the state's school age population,~~ shall be granted. At least ~~ten (10) of the twenty (20)~~
15 ~~total charters~~ one-half (1/2) of the total number of charter public schools in the state shall be
16 reserved for charter school applications which are designed to increase the educational
17 opportunities for at-risk pupils.

18 (e) The establishment of new charter public schools shall be contingent upon approval
19 and appropriation by the state.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would allow for the expansion of charter public schools, and would further
2 permit the revocation of an existing public school charter if after three (3) years of operation the
3 charter school has not demonstrated success.

4 This act would take effect upon passage.

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