

2016 -- S 3075 SUBSTITUTE A AS AMENDED

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LC006189/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

Introduced By: Senator Hanna M. Gallo

Date Introduced: June 09, 2016

Referred To: Senate Education

It is enacted by the General Assembly as follows:

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

4 **16-77-5.1. Oversight by commissioner.** -- (a) Individuals or groups may complain to a
5 charter public school's governing body concerning any claimed violation of the provisions of this
6 chapter by the school. If, after presenting their complaint to the governing body, the individuals
7 or groups believe their complaint has not been adequately addressed, they may submit their
8 complaint to the commissioner who shall hear and decide the issue pursuant to §§ 16-39-1 and
9 16-39-2.

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

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

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

1 (e) Charter public schools as defined in §16-77-2.1(4) and authorized as of the effective
2 date of this act shall be exempt from subsection (c) of this section and shall not require local
3 written support under subsection (c) of this section for any proposed expansion or charter
4 renewal.

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

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

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

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

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

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

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

19 ~~(e)~~(g) After denying or prior to non-renewing or revoking a charter, the department of
20 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
21 39-1.

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

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

27 ~~16-77.3-2. Procedure for creation of independent charter schools. -- Procedure for~~
28 ~~creation and expansion of independent charter schools. --~~ (a) Any persons or entities eligible
29 to establish an independent charter public school may submit a proposed charter or an amendment
30 to a charter for an expansion to the commissioner. For purposes of this chapter, "expansion" shall
31 be an increase in total enrollment, an increase in the grade levels previously authorized in the
32 charter or the addition of a school district to the catchment area. The proposed charter shall:

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

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

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

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

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

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

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

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

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

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

29 (11) Explain the student discipline procedures;

30 (12) Explain the relationship that will exist between the proposed independent charter
31 school and its employees, including the terms and conditions of employment and the
32 qualifications that the employees must meet. Teachers and administrators in independent charter
33 schools must be certified pursuant to state law and regulation. Teachers and administrators in
34 independent charter schools shall be entitled to prevailing wages and benefits as enjoyed by other

1 Rhode Island public school teachers and administrators. Employment in an independent charter
2 school shall be considered "service" as that term is defined in chapter 16 of this title for purposes
3 of determining the appropriate step on a salary schedule for certified personnel. Employment in
4 an independent charter school can be considered "service" as that term is defined in chapter 16 of
5 this title for determining status in the teachers' retirement system. All employees and prospective
6 employees of an independent charter school shall be deemed to be public school employees,
7 having the same rights under Rhode Island and federal law as employees and prospective
8 employees at a non-chartered public school;

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

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

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

19 (16) Provide a copy of the proposed bylaws of the independent charter school.

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

22 ~~(e)~~(b) Any nonprofit organization which seeks to establish an independent charter school
23 must submit its financial records and financial plan for operating the school to the auditor general,
24 who shall review the records, the financial plan, and the financial integrity of the organization. At
25 the time of submission of a proposed charter the financial records and financial recordkeeping
26 system of the nonprofit organization and the proposed financial plan for the independent charter
27 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
28 charter is being considered for preliminary approval by the ~~board of regents~~ council on
29 elementary and secondary education, provide an initial determination to the ~~board of regents~~
30 council on elementary and secondary education, the commissioner, and the speaker of the house
31 of representatives and the president of the senate indicating that the auditor general is satisfied
32 that the nonprofit organization is financially responsible. Final approval for operation of the
33 independent charter school shall not be granted by the ~~board of regents~~ council on elementary and
34 secondary education until the auditor general has approved the financial plan and financial record

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

19 ~~**16-77.3-3. Process for consideration of proposed charter.**~~ **Process for**
20 **consideration of proposed charter or expansion.** -- (a) If the commissioner finds the proposed
21 charter to be incomplete, further information may be requested and required. The commissioner
22 shall develop regulations for amending an approved charter, consistent with the provisions of this
23 chapter [and §16-77-5.1](#).

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

30 (c) The commissioner will decide on whether or not to recommend the granting of the
31 charter [or expansion](#) to the ~~board of regents~~ [council on elementary and secondary education](#)
32 within ninety (90) days after the conclusion of the public comment period.

33 (d) If the commissioner recommends the granting of the proposed charter [or amendment](#)
34 [for expansion](#), the matter shall be referred to the ~~board of regents~~ [council on elementary and](#)

1 secondary education for a decision on whether to grant a revocable charter or expansion. The
2 ~~board-of-regents~~ council on elementary and secondary education may grant a charter for a period
3 of up to five (5) years. The decision of the ~~board-of-regents~~ council on elementary and secondary
4 education, complete with reasons and conditions, shall be made available to the public and to the
5 applicant. Charter public school approval for establishment or continuation shall be for up to a
6 five (5) year period. At the conclusion of each five (5) year period, the ~~board-of-regents~~ council
7 on elementary and secondary education may conduct a subsequent review of the independent
8 charter school's charter. If the ~~board-of-regents~~ council on elementary and secondary education
9 does not conduct such a review, the charter shall renew for another five (5) year period. The
10 commissioner, with approval of the ~~board-of-regents~~ council on elementary and secondary
11 education, shall promulgate rules and regulations for these five (5) year reviews.

12 (e) In considering a proposed charter or an amendment to a charter for expansion, the
13 council on elementary and secondary education shall consider all relevant information including,
14 but not limited to, the requirements of regulations and law.

15 (f) In considering a proposed charter or an amendment to a charter for expansion, the
16 council on elementary and secondary education shall place substantial weight on the fiscal impact
17 on the city or town, programmatic impact on the sending school district, and the educational
18 impact on the students in the district to ensure that the proposal is economically prudent for the
19 city or town, and academically prudent for the proposed sending school district and for all
20 students in the sending district.

21 ~~(e)~~(g) The commissioner, with the approval of the ~~board-of-regents~~ council on
22 elementary and secondary education, may grant a variance to any provision of title 16 other than
23 those enumerated in § 16-77.3-7 and to any department of education regulation and to any school
24 district regulation which does not affect the health and safety or civil rights of pupils in
25 independent charter schools.

26 ~~(h)~~(h) All proposed charters shall be matters of public record and will be provided to
27 members of the public upon request.

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

31 ~~**16-77.4-1. Entities eligible to apply to become a mayoral academy. --- Entities eligible**~~
32 ~~**to apply to become or for the expansion of a mayoral academy. --**~~ (a) A "mayoral academy"
33 means a charter school created by a mayor of any city or town within the State of Rhode Island,
34 acting by or through a nonprofit organization established for said purpose (regardless of the time

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

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

18 **16-77.4-2. Procedure for creation of a mayoral academy. -- Procedure for creation**
19 **and expansion of a mayoral academy. --** (a) Any persons or entities eligible to establish a
20 mayoral academy may submit a proposed charter [or an amendment to a charter for an expansion](#)
21 to the commissioner. [For purposes of this chapter, "expansion" shall be an increase in total](#)
22 [enrollment, an increase in the grade levels previously authorized in the charter or the addition of a](#)
23 [school district to the catchment area.](#) The proposed charter shall:

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

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

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

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

34 (5) Include an agreement to provide a yearly report to parents, the community, the school

1 committee of the sending districts, and the commissioner, which indicates the progress made by
2 the mayoral academy during the previous year in meeting the charter objectives;

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

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

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

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

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

20 (11) Explain the student discipline procedures;

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

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

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

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

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

34 (14) Identify with particularity the state laws, state regulations, and school district rules

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

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

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

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

11 [\(18\) Provide written support from the town or city council\(s\) in the proposed catchment](#)
12 [area if required pursuant to §16-77-5.1.](#)

13 ~~**16-77.4.3. Process for consideration of proposed charter.**~~ **Process for**
14 **consideration of proposed charter or expansion.** -- (a) If the commissioner finds the proposed
15 charter to be incomplete, further information may be requested and required. The commissioner
16 shall develop regulations for amending an approved charter, consistent with the provisions of this
17 chapter [and §16-77-5.1.](#)

18 (b) After having received a satisfactory proposed charter [or expansion](#), the commissioner
19 will provide for a public comment period of not less than sixty (60) days, during which they will
20 hold at least two (2) public hearings on the proposed charter. These hearings will be held in the
21 district where the proposed mayoral academy is to be located. Any person may file with the
22 committee and/or the commissioner comments, recommendations, and/or objections relevant to
23 the granting of a charter.

24 (c) The commissioner will decide whether to recommend the granting of the charter [or](#)
25 [expansion](#) to the ~~board of regents~~ [council on elementary and secondary education](#) within ninety
26 (90) days after the conclusion of the public comment period.

27 (d) If the commissioner recommends the granting of the proposed charter [or expansion](#),
28 the matter shall be referred to the ~~board of regents~~ [council on elementary and secondary](#)
29 [education](#) for a decision on whether to grant a charter [or expansion](#). The ~~board of regents~~ [council](#)
30 [on elementary and secondary education](#) may grant a charter for a period of up to five (5) years.
31 The decision of the ~~board of regents~~ [council on elementary and secondary education](#), complete
32 with reasons and conditions, shall be made available to the public and to the applicant. Charter
33 public school approval for establishment or continuation shall be for up to a five (5) year period.
34 At the conclusion of each five (5) year period, the ~~board of regents~~ [council on elementary and](#)

1 secondary education may conduct a subsequent review of the mayoral academy's charter. If the
2 ~~board of regents~~ council on elementary and secondary education does not conduct such a review,
3 the charter shall renew for another five (5) year period. The commissioner, with approval of the
4 ~~board of regents~~ council on elementary and secondary education, shall promulgate rules and
5 regulations for these five (5) year reviews.

6 (e) In considering a proposed charter or an amendment to a charter for expansion, the
7 council on elementary and secondary education shall consider all relevant information including,
8 but not limited to, the requirements of regulations and law.

9 (f) In considering a proposed charter or an amendment to a charter for expansion, the
10 council on elementary and secondary education shall place substantial weight on the fiscal impact
11 on the city or town, programmatic impact on the sending school district, and educational impact
12 on the students in the district to ensure that the proposal is economically prudent for the city or
13 town and academically prudent for the proposed sending school district and all of the students in
14 the sending district.

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

20 ~~(f)~~(h) All proposed charters shall be matters of public record and will be provided to
21 members of the public upon request.

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

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LC006189/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION - ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

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

5 This act would take effect upon passage.

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