

2019 -- H 5180

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO EDUCATION -- INDEPENDENT CHARTER SCHOOLS [SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

Introduced By: Representatives Phillips, Amore, Serodio, and Azzinaro

Date Introduced: January 24, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77.3-2 of the General Laws in Chapter 16-77.3 entitled
2 "Independent Charter Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education
3 Act]" is hereby amended to read as follows:

4 **16-77.3-2. Procedure for creation and expansion of independent charter schools.**

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

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

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

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

18 (4) Indicate performance criteria that will be used to measure student learning and to

1 comply with the charter, state, and national educational goals and standards;

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

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

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

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

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

19 (10) Describe enrollment procedures, including the permissible criteria for admission in
20 accordance with applicable state and federal law [such as admissions criteria for career preparation](#)
21 [programs approved by the department of elementary and secondary education](#), along with a
22 policy, or policies, that outline outreach and recruitment programs to encourage the enrollment of
23 a diverse student population;

24 (11) Explain the student discipline procedures;

25 (12) Explain the relationship that will exist between the proposed independent charter
26 school and its employees, including the terms and conditions of employment and the
27 qualifications that the employees must meet. Teachers and administrators in independent charter
28 schools must be certified pursuant to state law and regulation. Teachers and administrators in
29 independent charter schools shall be entitled to prevailing wages and benefits as enjoyed by other
30 Rhode Island public school teachers and administrators. Employment in an independent charter
31 school shall be considered "service" as that term is defined in chapter 16 of this title for purposes
32 of determining the appropriate step on a salary schedule for certified personnel. Employment in
33 an independent charter school can be considered "service" as that term is defined in chapter 16 of
34 this title for determining status in the teachers' retirement system. All employees, and prospective

1 employees of an independent charter school shall be deemed to be public school employees,
2 having the same rights under Rhode Island and federal law as employees, and prospective
3 employees at a non-chartered public school;

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

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

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

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

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

17 (b) Any nonprofit organization that seeks to establish an independent charter school must
18 submit its financial records and financial plan for operating the school to the auditor general, who
19 shall review the records, the financial plan, and the financial integrity of the organization. At the
20 time of submission of a proposed charter, the financial records and financial recordkeeping
21 system of the nonprofit organization and the proposed financial plan for the independent charter
22 school shall be reviewed by the auditor general and the auditor general shall, while the proposed
23 charter is being considered for preliminary approval by the council on elementary and secondary
24 education, provide an initial determination to the council on elementary and secondary education,
25 the commissioner, and the speaker of the house of representatives and the president of the senate
26 indicating that the auditor general is satisfied that the nonprofit organization is financially
27 responsible. Final approval for operation of the independent charter school shall not be granted by
28 the council on elementary and secondary education until the auditor general has approved the
29 financial plan and financial-record keeping system and is satisfied that the nonprofit organization
30 is financially responsible. The auditor general shall notify the council on elementary and
31 secondary education, the commissioner, the president of the senate, and the speaker of the house
32 of representatives of the findings. During the year immediately preceding the September in which
33 the independent charter school is to begin operation, the charter applicant shall make any
34 additional submissions to the auditor general prescribed by the auditor general in the initial

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO EDUCATION -- INDEPENDENT CHARTER SCHOOLS [SEE TITLE 16
CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

1 This act would include "admissions criteria for career preparation programs" as an
2 enrollment procedure required to be included in proposals for the creation or expansion of charter
3 schools.

4 This act would take effect upon passage.

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