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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 - CHARTER SCHOOLS

Introduced By: Representatives O'Grady, Amore, Fogarty, Regunberg, and O'Brien

Date Introduced: January 07, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77.2-3 of the General Laws in Chapter 16-77.2 entitled "District
2 Charter School [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 amended to read as follows:

4 **16-77.2-3. Process for consideration of proposed charter.** -- (a) If the commissioner or
5 the school committee of the district where the district charter school is to be located finds the
6 proposed charter to be incomplete, further information may be requested and required. The
7 commissioner shall develop regulations for amending an approved charter, consistent with the
8 provisions of this chapter.

9 (b) After having received a satisfactory proposed charter, the commissioner will provide
10 for a public comment period of not less than sixty (60) days, during which they will hold at least
11 two (2) public hearings on the proposed charter. These hearings will be held in the district where
12 the proposed district charter school is to be located. Any person may file with the committee
13 and/or the commissioner comments, recommendations, and/or objections relevant to the granting
14 of a charter.

15 (c) A copy of the proposed charter for a district charter school at an existing public
16 school shall be provided to the collective bargaining agent for the teachers in the school district
17 where the district charter school is to be located at the time that it is filed with the school
18 committee of the district where the district charter school is to be located and the commissioner.
19 The teachers through their collective bargaining agent shall be afforded the opportunity to present

1 their analysis of and recommendations regarding the proposed charter to the school committee of
2 the district where the district charter school is to be located and the ~~board of regents~~ [council on](#)
3 [elementary and secondary education \(hereinafter the "council"\)](#) prior to any determination by
4 those entities. If the teachers' union objects to the proposed charter or to any provision of it, it
5 shall set forth the reasons for those objections in detail. These objections and recommendations
6 shall be considered and responded to by the school committee of the district where the district
7 charter school is to be located and the commissioner before making any recommendation to the
8 ~~board of regents~~ [council](#), and by the ~~board of regents~~ [council](#) prior to its determination.

9 (d) The commissioner or the school committee of the district where the district charter
10 school is to be located will each decide on whether or not to recommend the granting of the
11 charter to the ~~board of regents~~ [council](#) within ninety (90) days after the conclusion of the public
12 comment period.

13 (e) The commissioner or the school committee of the district where the district charter
14 school is to be located may recommend to the ~~board of regents~~ [council](#) the granting of a revocable
15 charter for a district charter school upon receiving a proposed charter.

16 (f) If the commissioner or the school committee of the district where the district charter
17 school is to be located recommends the granting of the proposed charter, the matter shall be
18 referred to the ~~board of regents~~ [council](#) for a decision on whether to grant a charter. Provided, if
19 the council is asked to approve an application for a new district charter school or the expansion of
20 seats in an existing district charter school, the council shall, prior to granting any such approval,
21 make an affirmative finding that the proposed school or the proposed expansion shall not have a
22 detrimental effect on the finances and/or the academic performance of the sending districts
23 affected by the new school or the expansion. Provided further, any charter school already
24 approved by the council, and any charter school seeking to expand up to, and including, its
25 maximum capacity as set forth in the school's original charter which has been approved, prior to
26 the effective date of this act, shall not be limited or prohibited by this section. The ~~board of~~
27 ~~regents~~ [council](#) may grant a charter for a period of up to five (5) years. The decision of the ~~board~~
28 ~~of regents~~ [council](#), complete with reasons and conditions, shall be made available to the public
29 and to the applicant. Charter public school approval for establishment or continuation shall be for
30 up to a five (5) year period. At the conclusion of each five (5) year period, the ~~board of regents~~
31 [council](#) may conduct a subsequent review of the district charter school's charter. If the ~~board of~~
32 ~~regents~~ [council](#) does not conduct such a review, the charter shall renew for another five (5) year
33 period. The commissioner, with approval of the ~~board of regents~~ [council](#), shall promulgate rules
34 and regulations for these five (5) year reviews.

1 (g) The commissioner, with the approval of the ~~board of regents~~ [council](#), may grant a
2 variance to any provision of title 16 other than those enumerated in section 16-77.1, and to any
3 department of education regulation and to any school district regulation which does not affect the
4 health and safety or civil rights of pupils in district charter schools.

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

7 SECTION 2. Section 16-77.3-3 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 **16-77.3-3. Process for consideration of proposed charter.** -- (a) If the commissioner
11 finds the proposed charter to be incomplete, further information may be requested and required.
12 The commissioner shall develop regulations for amending an approved charter, consistent with
13 the provisions of this chapter.

14 (b) After having received a satisfactory proposed charter, the commissioner will provide
15 for a public comment period of not less than sixty (60) days, during which they will hold at least
16 two (2) public hearings on the proposed charter. These hearings will be held in the district where
17 the proposed independent charter school is to be located. Any person may file with the
18 commissioner comments, recommendations, and/or objections relevant to the granting of a
19 charter.

20 (c) The commissioner will decide on whether or not to recommend the granting of the
21 charter to the ~~board of regents~~ [council on elementary and secondary education \(hereinafter the](#)
22 ["council"\)](#) within ninety (90) days after the conclusion of the public comment period.

23 (d) If the commissioner recommends the granting of the proposed charter, the matter
24 shall be referred to the ~~board of regents~~ [council](#) for a decision on whether to grant a revocable
25 charter. [Provided, if the council is asked to approve an application for a new independent charter](#)
26 [school or the expansion of seats in an existing independent charter school, the council shall, prior](#)
27 [to granting any such approval, make an affirmative finding that the proposed school or the](#)
28 [proposed expansion shall not have a detrimental effect on the finances and/or the academic](#)
29 [performance of the sending districts affected by the new school or the expansion. Provided](#)
30 [further, any independent charter school already approved by the council, and any independent](#)
31 [charter school seeking to expand up, to and including, its maximum capacity as set forth in the](#)
32 [school's original charter which has been approved, prior to the effective date of this act, shall not](#)
33 [be limited or prohibited by this section.](#) The ~~board of regents~~ [council](#) may grant a charter for a
34 period of up to five (5) years. The decision of the ~~board of regents~~ [council](#), complete with reasons

1 and conditions, shall be made available to the public and to the applicant. Charter public school
2 approval for establishment or continuation shall be for up to a five (5) year period. At the
3 conclusion of each five (5) year period, the ~~board of regents~~ [council](#) may conduct a subsequent
4 review of the independent charter school's charter. If the ~~board of regents~~ [council](#) does not
5 conduct such a review, the charter shall renew for another five (5) year period. The
6 commissioner, with approval of the ~~board of regents~~ [council](#), shall promulgate rules and
7 regulations for these five (5) year reviews.

8 (e) The commissioner, with the approval of the ~~board of regents~~ [council](#), may grant a
9 variance to any provision of title 16 other than those enumerated in § 16-77.3-7 and to any
10 department of education regulation and to any school district regulation which does not affect the
11 health and safety or civil rights of pupils in independent charter schools.

12 (f) All proposed charters shall be matters of public record and will be provided to
13 members of the public upon request.

14 SECTION 3. Section 16-77.4-3 of the General Laws in Chapter 16-77.4 entitled
15 "Mayoral Academies [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
16 hereby amended to read as follows:

17 **16-77.4-3. Process for consideration of proposed charter.** -- (a) If the commissioner
18 finds the proposed charter to be incomplete, further information may be requested and required.
19 The commissioner shall develop regulations for amending an approved charter, consistent with
20 the provisions of this chapter.

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

27 (c) The commissioner will decide whether to recommend the granting of the charter to
28 the ~~board of regents~~ [council on elementary and secondary education \(hereinafter the "council"\)](#)
29 within ninety (90) days after the conclusion of the public comment period.

30 (d) If the commissioner recommends the granting of the proposed charter, the matter
31 shall be referred to the ~~board of regents~~ [council](#) for a decision on whether to grant a charter.
32 [Provided, if the council is asked to approve an application for a new mayoral academy or the](#)
33 [expansion of seats in an existing mayoral academy, the council shall, prior to granting any such](#)
34 [approval, make an affirmative finding that the proposed school or the proposed expansion shall](#)

1 not have a detrimental effect on the finances and/or the academic performance of the sending
2 districts affected by the new school or the expansion. Provided further, any mayoral academy
3 already approved by the council, and any mayoral academy seeking to expand up to, and
4 including, its maximum capacity as set forth in the school's original charter which has been
5 approved, prior to the effective date of this act, shall not be limited or prohibited by this section.

6 The ~~board of regents~~ council may grant a charter for a period of up to five (5) years. The
7 decision of the ~~board of regents~~ council, complete with reasons and conditions, shall be made
8 available to the public and to the applicant. Charter public school approval for establishment or
9 continuation shall be for up to a five (5) year period. At the conclusion of each five (5) year
10 period, the ~~board of regents~~ council may conduct a subsequent review of the mayoral academy's
11 charter. If the ~~board of regents~~ council does not conduct such a review, the charter shall renew for
12 another five (5) year period. The commissioner, with approval of the ~~board of regents~~ council,
13 shall promulgate rules and regulations for these five (5) year reviews.

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

18 (f) All proposed charters shall be matters of public record and will be provided to
19 members of the public upon request.

20 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 - CHARTER SCHOOLS

1 This act would require the council on elementary and secondary education, prior to
2 granting approval for either a new charter school, mayoral academy, or the expansion of an
3 existing charter school, mayoral academy, to first make an affirmative finding that the proposed
4 school or the proposed expansion would not have a detrimental effect on the finances and/or the
5 academic performance of the sending districts affected by the new school or the expansion.

6 This act would take effect upon passage.

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