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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: Representatives Segal, Fierro, Ajello, Walsh, and MacBeth

Date Introduced: February 09, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-77-3 of the General Laws in Chapter 16-77 entitled
2 "Establishment of Charter Public Schools" is hereby amended to read as follows:

3 **16-77-3. Commissioner of elementary and secondary education and local school**
4 **committee authorized to recommend the granting of a charter.** -- (a) The commissioner of
5 elementary and secondary education and/or the school committee where the charter public school
6 is to be located are authorized in response to an application to recommend to the board of regents
7 for elementary and secondary education the granting of a revocable charter authorizing operation
8 of a charter public school for up to five (5) years, subject to renewal for additional five-year
9 periods.

10 (b) Persons or entities eligible to submit an application to establish a charter school shall
11 be limited to:

12 (1) Existing public schools;

13 (2) Groups of public school personnel;

14 (3) Public school districts;

15 (4) Established Rhode Island nonprofit organizations in accordance with subsection (i) of
16 this section provided that these nonprofit organizations shall have existed for at least two (2)
17 years and must exist for a substantial reason other than to operate a school;

18 (5) A group of school districts;

19 (6) Colleges and universities within the state of Rhode Island; or

1 (7) A mayor of any city or town within the state of Rhode Island, acting by or through a
2 nonprofit organization (regardless of the time said nonprofit organization is in existence) to
3 establish a mayoral academy as hereinafter defined. For purposes of this chapter the term
4 "mayor" shall include any elected town administrator.

5 (c) No existing public school shall be converted into a charter public school unless a
6 majority of the parents and/or guardians of the students currently assigned to the school and two-
7 thirds (2/3) of the certified teaching personnel currently assigned to the school approve the
8 proposed charter, as provided in section 16-77-4.1.

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

15 (e) School professionals employed by a local or regional school committee or the state of
16 Rhode Island shall be entitled to a two (2) year leave of absence, without compensation, in order
17 to be employed in a charter school, provided this leave shall be extended upon request for an
18 additional two (2) years. At any time during or upon completion of this leave of absence, a school
19 professional may return to work in the school district in the position in which he or she was
20 previously employed or a comparable position. This leave of absence shall not be deemed to be
21 an interruption of service for purposes of seniority and teachers' retirement.

22 (f) No child shall be required to attend a charter public school nor shall any teacher be
23 required to teach in a charter public school. The school committee shall make accommodations to
24 facilitate the transfer of students who do not wish to participate in the charter public school into
25 other public schools. It shall also make accommodations for those students who wish to
26 participate to transfer into the charter public school as space permits. If the total number of
27 students who are eligible to attend and apply to a charter school is greater than the number of
28 spaces available, the charter school shall conduct a lottery to determine which students shall be
29 admitted.

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

1 (h) All charter schools shall adhere to financial record keeping, reporting, auditing
2 requirements, and procedures in the same manner as required of local public school districts and
3 in accordance with federal and state laws and regulations.

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

32 (j) Notwithstanding the provisions of this section, the Board of Regents shall not grant
33 final approval for any new charter school to begin operations in the 2006-2007 or 2007-2008
34 school year except for mayoral academies as hereinafter defined.

1 (k) A "mayoral academy" means a charter school created by a mayor of any city or town
2 acting through a nonprofit organization established for said purpose, which enrolls students from
3 more than one city or town including both urban and non-urban communities and which offers an
4 equal number of enrollments to students on a lottery basis as provided for in section 16-77-3.1;
5 provided, further, that such mayoral academies shall have a board of trustees or directors which is
6 comprised of representatives from each included city or town and is chaired by a mayor of an
7 included city or town.

8 SECTION 2. Chapter 16-77 of the General Laws entitled "Establishment of Charter
9 Public Schools" is hereby amended by adding thereto the following section:

10 **16-77-3.1. Selection of students for mayoral academy through lottery.** – (a) In
11 selecting students for enrollment in a mayoral academy, said mayoral academies shall make
12 randomized offers to public school students utilizing a confidential process set forth herein.

13 (b) Each mayoral academy shall determine which census tracts students shall be drawn
14 from. The mayoral academy shall then inform the Rhode Island department of elementary and
15 secondary education which census tracts have been identified. The department shall coordinate
16 with the mayoral academy so that public school students are assigned a number, and the mayoral
17 academy shall select students according to numbers. The name and identity of the students shall
18 not be provided to the mayoral academy. The mayoral academy shall utilize a process that
19 randomly selects public school students who live in such tracts by number and inform the
20 applicable public school of the selection. The mayoral academy shall issue invitations to said
21 students to enroll in the mayoral academy, and these invitations shall be forwarded to the public
22 school, which school shall then forward the invitations to the students. All students attending
23 public school shall be eligible to be selected. A student may choose to accept the offer or reject
24 said invitation. In the event a student rejects the invitation to enroll, another student shall be
25 randomly selected utilizing the same process, until all available slots for students are filled.
26 Provided, that mayoral academies shall offer an equal number of enrollments to students from
27 urban and non-urban communities. For purposes of this process, so-called "urban ring" school
28 communities shall be deemed to be urban communities.

29 (c) Provided, the parent and/or guardian of a student may inform the public school that
30 they do not want their child considered for placement in a mayoral academy. In such event, the
31 public school shall inform the mayoral academy of the parent or guardian's decision, and said
32 student shall not be included in the selection process.

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1 SECTION 3. 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 require mayoral academies to use a random selection process to select
- 2 those students who would be invited to attend the mayoral academy.
- 3 This act would take effect upon passage.

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