

2015 -- H 5160 SUBSTITUTE A

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LC000606/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO EDUCATION - MAYORAL ACADEMIES

Introduced By: Representatives Serpa, O`Grady, Casey, Phillips, and Melo

Date Introduced: January 21, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings of fact. The general assembly finds and declares as follows:

2 (1) The Rhode Island House of Representatives special commission to study and assess
3 Rhode Island's "Fair Funding Formula" (the "special commission") recently completed its work
4 and issued a final report dated May 18, 2015;

5 (2) The special commission's report has brought attention to a need to re-evaluate the
6 public funding of education in this state, including but not limited to a re-examination of how
7 charter public schools are funded and the fiscal impact of such funding on sending municipalities;

8 (3) Without adopting any specific conclusions as to said funding, the general assembly
9 finds and declares that it is in the best interests of the state to pause on the increase of any
10 additional or new charter public schools, district charter schools, independent charter schools or
11 mayoral academies, for a period of one year, to allow the general assembly to review and evaluate
12 the funding issues raised in the special commission's report during the next legislative session;

13 (4) Without adopting any specific finding or conclusion of the special commission, the
14 general assembly acknowledges and thanks the special commission for its work.

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

18 **16-77-5.1. Oversight by commissioner.** -- (a) Individuals or groups may complain to a
19 charter public school's governing body concerning any claimed violation of the provisions of this

1 chapter by the school. If, after presenting their complaint to the governing body, the individuals
2 or groups believe their complaint has not been adequately addressed, they may submit their
3 complaint to the commissioner who shall hear and decide the issue pursuant to §§ 16-39-1 and
4 16-39-2.

5 (b) Charter public school approval for establishment or continuation shall be for up to a
6 five (5) year period. In either case, ~~board of regents~~ approval of the council on elementary and
7 secondary education is required. Notwithstanding any provisions of the general laws to the
8 contrary, any proposal for the creation of a new charter public school or expansion of an existing
9 charter public school beyond fiscal year 2015 enrollment levels shall require approval from the
10 school committee and the city or town council of each sending school district as identified in the
11 charter application. Such approval shall be provided either by resolution or ordinance following at
12 least one public hearing. In addition, the limitations contained in subsection (e) of this section
13 shall apply. However, the charter may be revoked at any time if the school:

- 14 (1) Materially violates provisions contained in the charter;
- 15 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 16 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 17 (4) Violates provisions of law that have not been granted variance by the board of
18 regents; or
- 19 (5) After three (3) consecutive years of operation, is not a "high-performing charter
20 school," defined as a charter public school that has demonstrated overall success, including: (i)
21 Substantial progress in improving student achievement; and (ii) The management and leadership
22 necessary to establish a thriving, financially viable charter public school.

23 (c) After denying or prior to non-renewing or revoking a charter, the department of
24 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
25 39-1.

26 (d) The establishment of new charter public schools and the expansion of existing charter
27 public schools beyond fiscal year 2015 enrollment levels shall be contingent upon ~~state~~ general
28 assembly approval and appropriation.

29 (e)(1) Effective for a period of one year commencing on (effective date of this act), there
30 shall be enforced a one year hiatus on any new application for a charter public school. For the
31 period of this hiatus, neither the department of elementary and secondary education nor the
32 council on elementary and secondary education shall:

- 33 (i) Accept or process any applications for a new charter public school;
- 34 (ii) Approve or undertake any action to an application for a charter public school which is

1 has not been fully approved as of (effective date of this act).
2 (2) Provided, the hiatus contained in this subsection shall not prohibit any expansion of
3 an existing charter public school where such expansion was completely approved by the council
4 on elementary and secondary education or any predecessor to the council prior to (effective date
5 of this act).

6 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 - MAYORAL ACADEMIES

1 This act would provide that the creation of a new charter public school or the expansion
2 of an existing charter public school beyond FY 2015 enrollment levels would require approval
3 from the school committee and city or town council of each sending school district. The act also
4 places a hiatus on the hearing and processing of any applications for a new charter public school
5 for one year, commencing with the effective date of this act.

6 This act would take effect upon passage.

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