

**2015 -- S 0087 SUBSTITUTE A**

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LC000502/SUB A/9  
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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 - THE EDUCATION EQUITY AND PROPERTY RELIEF ACT

Introduced By: Senators Satchell, Lombardi, Gallo, Miller, and Pearson

Date Introduced: January 22, 2015

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. Provided, the term "charter public schools" as used herein means and includes district  
10 charter schools, independent charter schools, or mayoral academies pursuant to § 16-77-2.1.

11           (b) Charter public school approval for establishment or continuation shall be for up to a  
12 five (5) year period. In either case, ~~board-of-regents~~ approval by the council on elementary and  
13 secondary education is required. Notwithstanding any provisions of the general laws to the  
14 contrary, any proposal for the creation of a new charter public school or expansion of an existing  
15 charter public school shall require approval from every city council or town council of each  
16 sending school district. Such approval shall be provided either by resolution or ordinance  
17 following at least one public hearing. Provided any charter public school already approved by the  
18 council on elementary and secondary education, and any charter public school seeking to expand  
19 up to and including its maximum capacity as set forth in the school's original application which

1 has been approved, prior to the effective date of this act, shall not be limited or prohibited by this  
2 section.

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

- 4 (1) Materially violates provisions contained in the charter;
- 5 (2) Fails to meet or pursue the educational objectives contained in the charter;
- 6 (3) Fails to comply with fiscal accountability procedures as specified in the charter;
- 7 (4) Violates provisions of law that have not been granted variance by the board of  
8 regents; or

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

13 (c) After denying or prior to non-renewing or revoking a charter, the department of  
14 elementary and secondary education will hold a hearing on the issues in controversy under § 16-  
15 39-1.

16 (d) The establishment of new charter public schools shall be contingent upon state  
17 approval and appropriation.

18 (e)(1) Effective upon passage of this act, neither the department of elementary and  
19 secondary education nor the council on elementary and secondary education shall:

- 20 (i) Accept or process any application for a new charter public school; or
- 21 (ii) Approve or undertake any action to an application for a charter public school which  
22 has not been fully approved as of effective date of this act.

23 (2) Provided, the hiatus contained in this subsection shall expire upon the enactment by  
24 the general assembly of a revised funding formula to account for any structural disparities in  
25 funding between traditional public schools and charter public schools or mayoral academies.

26 (3) Provided, further, should the state school aid funding formula not be adjusted by the  
27 general assembly for FY 2017, to account for any structural disparities in funding between  
28 traditional public schools and charter public schools or mayoral academies, local districts may  
29 freeze payments to mayoral academies at their FY 2016 local share of the per pupil or aggregate  
30 funding.

31 SECTION 2. 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 - THE EDUCATION EQUITY AND PROPERTY RELIEF ACT

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1           This act would provide that the creation of a new charter public school or the expansion  
2 of an existing charter public school would require approval from the city or town council of each  
3 sending school district. Any charter public school seeking to expand up to and including its  
4 maximum capacity as set forth in the school's original application which had been approved prior  
5 to the effective date of this act would not be limited or prohibited. This act also prohibits the  
6 acceptance of or action being taken on any application for a new charter public school until a  
7 revision to the current school funding formula by the general assembly to address any structural  
8 disparities in funding between traditional public schools and charter public schools.

9           This act would take effect upon passage.

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