

2015 -- H 5160 SUBSTITUTE A AS AMENDED

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LC000606/SUB A/5
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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. 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 of 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 or town council of each sending
16 school district. Such approval shall be provided either by resolution or ordinance following at
17 least one public hearing. Provided, any charter public school already approved by the council on
18 elementary and secondary education prior to (the effective date of this act), and any charter public
19 school seeking to expand up to and including its maximum capacity as set forth in the school's

1 original application which has been approved prior to (the effective date of this act), shall not be
2 limited or prohibited by this section. Provided further, as to any proposed new charter public
3 school whose district would include the entire state, referred to herein as a "statewide charter
4 public school," and which application is submitted after (the effective date of this act), then in the
5 event a city or town council of any proposed sending school district does not grant approval as
6 provided for in this subsection, such district shall not be obligated to be a sending district or to
7 pay or forward any funds to the statewide charter public school. In such instance, the statewide
8 charter public school district may operate and service those districts that do provide approval
9 pursuant to this subsection. However, the charter may be revoked at any time if the school:

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

19 (c) After denying or prior to non-renewing or revoking a charter, the department of
20 elementary and secondary education will hold a hearing on the issues in controversy under § 16-
21 39-1.

22 (d) The establishment of new charter public schools, or the expansion of existing charter
23 public schools, which establishment or expansion has not been approved prior to (the effective
24 date of this act), shall be contingent upon local and state approval and appropriation.

25 (e) Nothing contained in this act shall prohibit any expansion of an existing charter public
26 school where such expansion was completely approved by the council on elementary and
27 secondary education or any predecessor to the council prior to (the effective date of this act).

28 (f) This section shall not apply to any school authorized under chapter 95 of title 16 of the
29 Rhode Island general laws.

30 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 - 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 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 does not prohibit
6 any expansion of an existing charter public school that was already completely approved by the
7 council on elementary and secondary education or its predecessor prior to the effective date of
8 this act.

9 This act would take effect upon passage.

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