

ARTICLE 38 SUBSTITUTE A

RELATING TO EDUCATION AID

SECTION 1. Section 16-7.1-15 of the General Laws in Chapter 16-7.1 entitled “The Rhode Island Student Investment Initiative” is hereby amended to read as follows:

16-7.1-15 The Rhode Island student investment initiative. – (a) Each locally or regionally operated school district shall receive as a base the same amount of school aid as each district received in fiscal year 1997-1998, adjusted to reflect the increases or decreases in aid enacted to meet the minimum and maximum funding levels established for FY 2000 through FY ~~2007~~ 2008. Each school district shall also receive school aid through each investment fund for which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12, 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the base amount described in this section. For FY ~~2008~~ 2009, the reference year for the data used in the calculation of aid pursuant to § 16-7.1-8, § 16-7.1-9, § 16-7.1-10, § 16-7.1-11, § 16-7.1-11.1, § 16-7.1-12, § 16-7.1-16, §§ 16-7.1-19 and 16-77.1-2(b) shall be FY 2004. Calculation and distribution of education aid under §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6, 16-54-4, and 16-67-4 is hereby suspended. The funding of the purposes and activities of chapter 67 of this title, the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same amount of the base amount of each district funded for that purpose in fiscal year 1997-1998. In addition each district shall expend three percent (3%) of its student equity and early childhood funds under the provisions of chapter 67 of this title.

(b) Funding for full day kindergarten programs in accordance with § 16-7.1-11.1 shall be in addition to funding received under this section.

(c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to funding distributed under this section.

(d) There shall be an appropriation to ensure that total aid distributed to communities in FY ~~2008~~ 2009 under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b) shall be as follows:

Barrington 2,599,526

Burrillville 13,854,743

Charlestown ~~2,002,832~~ 2,002,838

1 Coventry 20,075,081
2 Cranston ~~35,580,911~~ 35,475,911
3 Cumberland 13,257,009
4 East Greenwich 1,949,761
5 East Providence 26,888,254
6 Foster 1,416,463
7 Gloucester 3,213,847
8 Hopkinton 6,241,352
9 Jamestown 531,908
10 Johnston ~~10,915,364~~ 10,750,364
11 Lincoln 7,403,268
12 Little Compton 368,810
13 Middletown 10,497,116
14 Narragansett 1,897,159
15 Newport 11,871,080
16 New Shoreham 106,345
17 North Kingstown 11,986,005
18 North Providence ~~13,262,872~~ 13,382,872
19 North Smithfield 4,834,237
20 Pawtucket 67,023,559
21 Portsmouth 6,700,042
22 Providence ~~194,109,756~~ 193,869,756
23 Richmond 6,188,615
24 Scituate 3,407,183
25 Smithfield 5,743,568
26 South Kingstown 10,548,698
27 Tiverton 5,932,058
28 Warwick 37,626,000
29 Westerly 6,843,077
30 West Warwick 20,440,547
31 Woonsocket ~~47,616,613~~ 47,421,613
32 Bristol-Warren ~~20,498,190~~ 20,438,190
33 Exeter-West Greenwich ~~7,661,019~~ 7,586,019
34 Chariho 398,334

1 Foster-Glocester 5,729,861

2 Central Falls 43,873,873

3 In addition to the amounts listed above, the department of elementary and secondary
4 education shall allocate monthly to each school district all funds received into the permanent
5 school fund pursuant to section 42-61.2-7, as amended by chapter 13 of the 2008 Public Laws
6 entitled "An Act Relating to State Affairs and Government", up to \$14.1 million, in the same
7 proportion as the aid distribution contained in section 16-7.1-15(d).

8 This special provision shall not limit entitlements as determined by application of other
9 formula provisions in this section.

10 (e) Children with disabilities. (1) Based on its review of special education within the
11 context of Rhode Island school reform, the general assembly recommends addressing the needs of
12 all children and preventing disability through scientific research based, as described in the No
13 Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading
14 instruction and the development of Personal Literacy Programs for students in the early grades
15 performing below grade level in reading and implement a system of student accountability that
16 will enable the state to track individual students over time. Additionally, the department of
17 elementary and secondary education must provide districts with rigorous criteria and procedures
18 for identifying students with learning disabilities and speech/language impairments. Additional
19 study is required of factors that influence programming for students with low incidence
20 disabilities; those with disabilities that severely compromise life functions; and programming for
21 students with disabilities through urban special education. Alternatives for funding special
22 education require examination.

23 (2) All departments and agencies of the state shall furnish any advice and information,
24 documentary and otherwise, to the general assembly and its agents that is deemed necessary or
25 desirable by the study to facilitate the purposes of this section.

26 SECTION 2. Sections 16-77-3, 16-77-4, 16-77-5 and 16-77-11 of the General Laws in
27 Chapter 16-77 entitled "Establishment of Charter Public Schools" are hereby amended to read as
28 follows:

29 **16-77-3. Commissioner of elementary and secondary education and local school**
30 **committee authorized to recommend the granting of a charter.** -- (a) The commissioner of
31 elementary and secondary education and/or the school committee where the charter public school
32 is to be located are authorized in response to an application to recommend to the board of regents
33 for elementary and secondary education the granting of a revocable charter authorizing operation
34 of a charter public school for up to five (5) years, subject to renewal for additional five-year

1 periods.

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

4 (1) Existing public schools;

5 (2) Groups of public school personnel;

6 (3) Public school districts;

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

10 (5) A group of school districts; ~~or~~

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

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

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

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

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

33 (f) No child shall be required to attend a charter public school nor shall any teacher be
34 required to teach in a charter public school. The school committee shall make accommodations to

1 facilitate the transfer of students who do not wish to participate in the charter public school into
2 other public schools. It shall also make accommodations for those students who wish to
3 participate to transfer into the charter public school as space permits. If the total number of
4 students who are eligible to attend and apply to a charter school is greater than the number of
5 spaces available, the charter school shall conduct a lottery to determine which students shall be
6 admitted.

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

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

15 (i) Any nonprofit organization which seeks to establish a charter school must submit its
16 financial records and financial plan for operating the school to the auditor general, who shall
17 review the records, the financial plan, and the financial integrity of the organization. At the time
18 of initial charter application the financial records and financial recordkeeping system of the
19 nonprofit organization and the proposed financial plan for the charter school shall be reviewed by
20 the auditor general and the auditor general shall, while the application is being considered for
21 preliminary approval by the board of regents, provide an initial determination to the board of
22 regents, the commissioner of elementary and secondary education, and the speaker of the house
23 of representatives indicating that the auditor general is satisfied that the nonprofit organization is
24 financially responsible. Final approval for operation of the public charter school shall not be
25 granted by the board of regents until the auditor general has approved the financial plan and
26 financial record keeping system and is satisfied that the nonprofit organization is financially
27 responsible. The auditor general shall notify the board of regents, the commissioner of elementary
28 and secondary education, and the speaker of the house of representatives of the findings. During
29 the year immediately preceding the September in which the public charter school is to begin
30 operation, the charter applicant shall make any additional submissions to the auditor general
31 prescribed by the auditor general in the initial determination. Additional submissions during the
32 year prior to the September in which the public charter school is to begin operation shall include,
33 but not be limited to, evidence submitted to the auditor general not later than June 1 prior to the
34 opening of the public charter school of the existence of an agreement, option for lease or

1 purchase, lease agreement or purchase agreement, contingent upon general assembly funding, for
2 a facility in which the public charter school will operate in its first year of operation. The auditor
3 general shall have the authority to review charter schools on an annual basis or require the charter
4 school to have an annual certified audit in accordance with the same federal and state standards
5 that are applicable to local public school districts. If as a result of any annual audit the auditor
6 general believes there are financial irregularities, the auditor general shall withdraw the original
7 approval and the board of regents shall withdraw its approval for the charter school to continue
8 operation.

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

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

18 **16-77-4. Procedure for creation of charter schools.** -- (a) Any group eligible to
19 establish a charter public school may apply to the commissioner of elementary and secondary
20 education and the school committee of the district.

21 (b) The commissioner of education may recommend to the board of regents for
22 elementary and secondary education granting of a charter for a public school upon receiving a
23 completed application which contains all of the information which he or she deems necessary to
24 fully address the following issues. The application shall:

25 (1) Be submitted to the commissioner and to the local school committee by not later than
26 December 1 of the school year before the school year in which the charter public school is to be
27 established;

28 (2) Describe a plan for education, including the mission, objective, method of providing
29 a basic education, measurable student academic goals that the charter public school will meet, and
30 process for improving student learning and fulfilling the charter and fulfilling state and national
31 educational goals and standards;

32 (3) Provide a minimum of one hundred eighty (180) days of instruction to students per
33 year;

34 (4) Indicate performance criteria that will be used to measure student learning and to

1 comply with the charter, state, and national educational goals and standards;

2 (5) Include an agreement to provide a yearly report to parents, the community, the local
3 school committee, and the commissioner of elementary and secondary education, which indicates
4 the progress made by the charter public school during the previous year in meeting the charter
5 objectives;

6 (6) Present a plan for the governance, administration, and operation of the charter public
7 school, including the manner in which the governing board of the school will be chosen, the
8 nature and extent of parental, professional educator, and community involvement in the
9 governance and operation of the charter public school, and the means of ensuring accountability
10 to the commissioner of education, the local school district, and the board of regents;

11 (7) Identify the building that will house the charter public school and from whom and
12 under what terms and conditions it is to be provided;

13 (8) Describe what support services will be provided by the school district and under what
14 terms and conditions those services are to be provided, and describe what support services the
15 charter public school will obtain directly from third parties and, to the extent known, under what
16 terms and conditions those services are to be provided;

17 (9) Explain the procedures that will be followed to ensure the health and safety of pupils
18 and staff;

19 (10) Describe enrollment procedures including the nondiscriminatory criteria for
20 admission in accordance with applicable state and federal law, along with a program to encourage
21 the enrollment of a diverse student population. The makeup of the charter public school must be
22 reflective of the student population of the district, including but not limited to special education
23 children, children at risk, children eligible for free or reduced cost lunch, and limited English
24 proficient students. No charter shall be authorized for a school with a student population that does
25 not include students eligible for free or reduced cost lunch, students with limited English
26 proficiency, and special education students in a combined percentage which is at least equal to the
27 combined percentage of those student populations enrolled in the school district as a whole;

28 (11) Explain the student discipline procedures;

29 (12) Explain the relationship that will exist between the proposed charter public school
30 and its employees, including the terms and conditions of employment and the qualifications that
31 the employees must meet. Teachers and administrators in charter public schools must be certified
32 pursuant to state law and regulation. ~~Teachers~~ [With the exception of mayoral academies, teachers](#)
33 and administrators in charter schools shall be entitled to prevailing wages and benefits as enjoyed
34 by other public school teachers and administrators within the school district, and shall be subject

1 to the state teacher retirement system under chapter 8 of title 36. ~~Employment~~ With the exception
2 of mayoral academies, employment in a charter school shall be considered "service" as that term
3 is defined in chapter 16 of this title. ~~AH~~ With the exception of mayoral academies, all employees
4 and prospective employees of a charter school shall be deemed to be public school employees,
5 having the same rights, including retirement, under Rhode Island and federal law as employees
6 and prospective employees at a non-chartered public school. Each mayoral academy established
7 pursuant to this chapter may nevertheless, by written notice to the commissioner of elementary
8 and secondary education, elect to have this subsection apply to its teachers, administrators and
9 employees.

10 (13) Identify with particularity the state statutes, state regulations, and school district
11 rules from which variances are sought in order to facilitate operation of the charter public school.
12 Explain the reasons for each variance and the alternative method by which the concern that gave
13 rise to the regulation or provision will be addressed;

14 (14) Provide a financial plan including a proposed budget for the term of the charter, and
15 an annual audit of the financial and administrative operations of the charter public school, and the
16 manner in which the funds allocated to the charter public school will be managed and disbursed;

17 (15) Provide procedures by which teaching personnel and parents can legally challenge
18 decisions of the governing board of the school which do not conform to the school's charter; and

19 (16) Provide a copy of the proposed bylaws of the charter public school.

20 **16-77-5. Process for consideration of proposed charter.** -- (a) If the commissioner of
21 elementary and secondary education or the local school committee finds the application to be
22 incomplete, further information may be requested and required. The commissioner shall develop
23 regulations for amending an approved charter, consistent with the provisions of this chapter.

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

30 (c) A copy of the completed application for a charter public school at an existing public
31 school shall be provided to the collective bargaining agent for the teachers in that school district
32 at the time that it is filed with the school committee and the commissioner. The teachers through
33 their collective bargaining agent shall be afforded the opportunity to present their analysis of and
34 recommendations regarding the proposed charter to the school committee and the board of

1 regents for elementary and secondary education prior to any determination by those entities. If the
2 teachers' union objects to the proposed charter or to any provision of it, it shall set forth the
3 reasons for those objections in detail. These objections and recommendations shall be considered
4 and responded to by the school committee and the commissioner before making any
5 recommendation to the board of regents, and by the board of regents prior to its determination.

6 (d) The commissioner and the local school committee will each decide on whether or not
7 to recommend the granting of the charter within ninety (90) days after the conclusion of the
8 public comment period.

9 (e) If the commissioner of elementary and secondary education or the local school
10 committee recommend the granting of the charter public school petition, the matter shall be
11 referred to the board of regents for a decision on whether or not to grant a charter. Notice of the
12 granting or denial of the application will be supplied. The decision of the board of regents,
13 complete with reasons and conditions, shall be made available to the public and to the applicant.

14 (f) The commissioner, with the approval of the board of regents for elementary and
15 secondary education, may grant a variance to any provision of title 16 other than those
16 enumerated in section 16-77-11 and to any department of education regulation and to any school
17 district regulation which does not affect the health and safety or civil rights of pupils in charter
18 public schools. [Notwithstanding any other provision of this subsection, the commissioner may](#)
19 [grant a variance to mayoral academies from any provision set forth in section 16-77-11.](#)

20 (g) All charter applications shall be matters of public record and will be provided to
21 members of the public upon request.

22 (h) Notwithstanding the provisions of this section, the Board of Regents shall not grant
23 final approval for any new charter school to begin operations in the 2006-2007 or 2007-2008
24 school year.

25 **16-77-11. Portions of title 16 applicable to charter schools.** -- The following provisions
26 of this title shall be binding on charter public schools and may not be waived by the
27 commissioner of elementary and secondary education:

- 28 (1) Section 16-2-2 (minimum length of school year);
- 29 (2) Section 16-2-17 (right to a safe school);
- 30 (3) Section 16-8-10 (federal funds for school lunch);
- 31 (4) Section 16-11-1 (certification of public school teachers);
- 32 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 33 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 34 (7) Chapter 13 (teachers' tenure) [\(with the exception of mayoral academies\)](#);

- 1 (8) Chapter 16 (teachers' retirement) [\(with the exception of mayoral academies\)](#);
- 2 (9) Section 16-19-1 (compulsory attendance);
- 3 (10) Sections 16-20-1 (school holidays enumerated);
- 4 (11) Sections 16-21-3 and 16-21-4 (fire safety);
- 5 (12) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 6 (13) Section 16-22-9 (uniform testing);
- 7 (14) Section 16-24-2 (regulations of state board);
- 8 (15) Section 16-38-1 (discrimination because of race or age);
- 9 (16) Section 16-38-1.1 (discrimination because of sex);
- 10 (17) Section 16-38-2 (immunizations);
- 11 (18) Section 16-38-4 (exclusive club);
- 12 (19) Section 16-38-6 (commercial activities prohibited);
- 13 (20) Section 16-38-9 (misconduct of school officers);
- 14 (21) Section 16-38-10 (power of officials to visit schools);
- 15 (22) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 16 (23) Section 16-39-2 (appeal of school committee actions to commissioner);
- 17 (24) Section 16-39-3 (appeal to state board);
- 18 (25) Section 16-39-3.1 (enforcement of final decision);
- 19 (26) Section 16-39-3.2 (interim protective orders);
- 20 (27) Section 16-39-8 (subpoena power of commissioner);
- 21 (28) Section 16-40-16 (student records);
- 22 (29) Section 16-71-1 (Educational Record Bill of Rights Act).

23 SECTION 3. Section 16-16-6 of the General Laws in Chapter 16-16 entitled "Teachers'
24 Retirement" is hereby amended to read as follows:

25 **16-16-6. Credit for service in private schools or as federal employee --**
26 **Contributions.** -- In determining the creditable service of any teacher employed in any city or
27 town for the purposes of retirement there may be added to, and included in, total service as
28 defined in this chapter not more than five (5) years of service as a teacher or in a capacity
29 essentially similar or equivalent to that of a teacher in any private school or institution, [in any](#)
30 [charter school not subject to subdivision 16-77-4\(b\)\(12\)](#), and in public schools in which the
31 teacher was paid by funds of the United States government except schools or institutions that are
32 operated for profit; provided, however, that this service shall not be counted as creditable service
33 unless the member shall pay into the retirement system a contribution equal to the full actuarial
34 value of each year of credit for which application is made based on the salary of the member in

1 effect at the date of application for the credit as determined by the retirement board. The
2 retirement board shall fix and determine the time when and the conditions under which the
3 payments shall be made.

4 SECTION 4. This article shall take effect as of July 1, 2008.

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