

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 108

EFFECTIVE ~~ANNEX~~ March 18, 2013

WHEREAS, The Rhode Island Department of Education has invited applications for current public schools to convert to "in-district" charter schools, and

WHEREAS, Some Providence Public Schools have declared an interest in applying for this conversion; and

WHEREAS, Providence currently supports the development of neighborhood schools through, among other things, a student assignment plan that reserves up to 80% of an elementary school's kindergarten seats, a middle school's sixth grade seats and a high school's ninth grade seats for children living in the neighborhood; and

WHEREAS, Neighborhood schools contribute greatly to a sense of community within the school, serve as a supporting pillar for the neighborhood in which the school is located, and strengthen ties between the school and the families and citizens who live nearby; and

WHEREAS, The Rhode Island Department of Education has interpreted State law to require district schools converting to "in-district" charter status to accept students from a City-wide lottery, even though the school may be a neighborhood school; and

WHEREAS, The Rhode Island Department of Education's policy forces an existing district school to lose its neighborhood identity if it wishes to convert to "in-district" charter status; and

WHEREAS, Other states, such as Georgia, permit district schools to convert to charter status while maintaining a neighborhood identity through a "student attendance zone", and

WHEREAS, The United States Department of Education has authorized Georgia's charter-school program, awarding it "Race to the Top" grants, and

WHEREAS, Bill H-5759 would allow existing district schools the option of defining a "student attendance zone" while also permitting the option of a City-wide lottery;

NOW, THEREFORE BE IT RESOLVED, That the City Council hereby urges the General Assembly to hold a hearing on Bill H-5759, and to pass the law so that "in-district" charter schools have the option of a neighborhood identity; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the City Clerk forward copies of this Resolution to the Providence School Board, the Providence School Department, and the members of the Providence legislative delegation.

**IN CITY
COUNCIL**

**MAR 07 2013
MINAL HEARING**

READ AND PASSED



PRESIDENT



CLERK

Effective without the
Mayor's Signature



Anna M. Stetson

City Clerk

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO EDUCATION - DISTRICT CHARTER SCHOOL

Introduced By: Representatives Carnevale, DeSimone, Slater, Palangio, and O'Brien

Date Introduced: February 28, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-77.2-1 and 16-77.2-2 of the General Laws in Chapter 16-77.2
2 entitled "District Charter School" are hereby amended to read as follows:

3 ~~16-77.2-1. Entities eligible to apply to become district charter schools. --~~ (a) Persons
4 or entities eligible to submit an application to establish a district charter school shall be limited to:

- 5 (1) Existing public schools;
6 (2) Groups of public school personnel;
7 (3) Public school districts; or
8 (4) A group of school districts.

9 (b) No existing public school shall be converted into a district charter school unless a
10 majority of the parents and/or guardians of the students currently assigned to the school and two-
11 thirds (2/3) of the certified teaching personnel currently assigned to the school approve the
12 proposed charter, as provided in section 16-77.2-2.

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

1 (d) No child shall be required to attend a district charter school nor shall any teacher be
2 required to teach in a district charter school. The school committee shall make accommodations
3 to facilitate the transfer of students who do not wish to participate in the district charter school
4 into other public schools. It shall also make accommodations for those students who wish to
5 participate to transfer into the district charter school as space permits. If the total number of
6 students who are eligible to attend and apply to a district charter school is greater than the number
7 of spaces available, the charter school shall conduct a lottery to determine which students shall be
8 admitted. The lottery may occur in stages based on the school's selection criteria, including, if
9 appropriate, identification of a student attendance zone as defined in the school's charter
10 application.

11 **16-77.2-2. Procedure for creation of district charter schools.** -- (a) Any persons or
12 entities eligible to establish a district charter school may submit a proposed charter to the
13 commissioner and the school committee of the district where the district charter school is to be
14 located. The proposed charter shall:

15 (1) Be submitted to the commissioner and to the school committee of the district where
16 the district charter school is to be located no later than December 1st of the school year before the
17 school year in which the district charter school is to be established;

18 (2) Describe a plan for education, including the mission, objective, method of providing
19 a basic education, measurable student academic goals that the district charter school will meet,
20 and process for improving student learning and fulfilling the charter and fulfilling state and
21 national educational goals and standards;

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

24 (4) Indicate performance criteria that will be used to measure student learning and to
25 comply with the charter, state, and national educational goals and standards;

26 (5) Include an agreement to provide a yearly report to parents, the community, the school
27 committee of the district where the district charter school is to be located, and the commissioner,
28 which indicates the progress made by the district charter school during the previous year in
29 meeting the charter objectives;

30 (6) Present a plan for the governance, administration, and operation of the district charter
31 school, including the manner in which the governing board of the school will be chosen, the
32 nature and extent of parental, professional educator, and community involvement in the
33 governance and operation of the district charter school, and the means of ensuring accountability
34 to the commissioner, the school district of the district where the district charter school is to be

1 located, and the board of regents;

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

4 (8) Describe what support services will be provided by the school district and under what
5 terms and conditions those services are to be provided, and describe what support services the
6 district charter school will obtain directly from third-parties and, to the extent known, under what
7 terms and conditions those services are to be provided;

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

10 (10) Describe enrollment procedures including the permissible criteria for admission in
11 accordance with applicable state and federal law, along with a policy or policies that outline
12 outreach and recruitment programs to encourage the enrollment of a diverse student population. If
13 the school plans to operate as a neighborhood school, it shall describe the geographic student
14 attendance zone, and the role of neighborhood residence, in the lottery admission and enrollment
15 process;

16 (11) Explain the student discipline procedures;

17 (12) Explain the relationship that will exist between the proposed district charter school
18 and its employees, including the terms and conditions of employment and the qualifications that
19 the employees must meet. Teachers and administrators in district charter schools must be certified
20 pursuant to state law and regulation. Teachers and administrators in district charter schools shall
21 be entitled to prevailing wages and benefits as enjoyed by other public school teachers and
22 administrators within the school district where the district charter school is to be located and to
23 the state teachers' retirement system under chapter 8 of title 36. Employment in a district charter
24 school shall be considered "service" as that term is defined in chapter 16 of this title. All
25 employees and prospective employees of a district charter school shall be deemed to be public
26 school employees, having the same rights, including retirement, under Rhode Island and federal
27 law as employees and prospective employees at a non-chartered public school.

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

32 (14) The proposed charter shall set forth those provisions of the collective bargaining
33 agreement which will not be applicable to that district charter school subject to agreement by the
34 parties to the collectively bargaining agreement;

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

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

7 (17) Provide a copy of the proposed bylaws of the district charter school.

8 (b) In those instances where a charter is being sought for an existing public school, the
9 proposed charter must receive the affirmative votes of two-thirds (2/3) of the teachers assigned to
10 the school prior to implementation. If approved by the faculty, the proposed charter shall be voted
11 on by the parents or legal guardians of each student assigned to the school, with one vote being
12 cast for each student. To be adopted by the parents, the proposed charter must receive the
13 affirmative votes of parents or legal guardians representing a majority of all the students assigned
14 to the school.

15 (c) In those instances where a charter is being sought for a newly created district charter
16 school, the proposed charter must receive the affirmative support of a number of certified
17 teachers employed within the school district where the district charter school is to be located at
18 least equal to two-thirds (2/3) of the number of teachers that will be required to staff the proposed
19 district charter school. The teachers who affirmatively support the proposed charter must state
20 their desire to transfer to the district charter school, once established, and to teach under the terms
21 of the charter. To demonstrate parental support within the school district, the charter must receive
22 the affirmative support of parents or legal guardians representing a number of students currently
23 enrolled in the school district equal to at least one-half (1/2) of the number of students who would
24 be needed to attend the proposed district charter school. The parents or guardians must state their
25 desire to have their children transfer to the district charter school, once established, and to be
26 educated under the terms of the charter. The charter may then be presented by the commissioner
27 to the board of regents for its approval. The charter shall set forth those provisions of state statute,
28 regulation, and school district rules which will not be applicable to that district charter school

29 (d) By approval of the charter upon the recommendation of the commissioner, the board
30 of regents will be deemed to have authorized all necessary variances from law and regulation
31 enumerated in the charter. Should the need for relief from the operation of additional provisions
32 of law and/or contract become apparent subsequent to implementation of the charter, a variance
33 may be obtained by an affirmative vote of two-thirds (2/3) of the teachers then assigned to the
34 school, agreement by all parties to the collective bargaining agreement and by an affirmative vote

1 of the board of regents upon a recommendation of the commissioner.

2 SECTION 2. This act shall take effect upon passage.

LC01525

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - DISTRICT CHARTER SCHOOL

- 1 This act would authorize the lotteries for student selection into district charter schools to
2 occur in stages. This act would also require, if the school plans to operate as a neighborhood
3 school, to describe the geographic student attendance zone.
4 This act would take effect upon passage.

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LC01525
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