

## **Charter Schools in Rhode Island**

by Hollie Courage

Public schools have been an ideal of the League of Women Voters from its earliest days. Unfortunately, in a great many inner city areas public school systems primarily serve the poor and disadvantaged. Rather than put up with perceived inadequacies, people with the means often send their children to private schools. Rhode Island and other states have thus created Charter Schools whose purpose is “to provide an alternative within the public education system...”<sup>1</sup> (Note: the League of Women Voters of RI has not done a study on Charter Schools and takes no position in support or opposition to Charter Schools.)

At least half of the charters in Rhode Island are reserved for schools “designed to increase the educational opportunities for at-risk pupils.”<sup>2</sup> Even though, in order to fulfill requirements for “Race for the Top” federal funding, the RI legislature recently increased the number of Charter Schools, it retained in both H-7208 A and S-2406 (two identical bills were passed, concurred on, and signed by the Governor March 2010) this 50%-at-risk-reservation requirement. Although this requirement should insure that the charter schools are not “cherry picking” students, it does not guarantee that the enrollment of charter schools will be an exact reflection of public school population demographics, since applying to attend a charter school is by nature a self-selection process.

This year H-7867aa and S-2734aa (identical bills, June 2010) created “District charter schools” and “Mayoral academies” which follow essentially the same rules as “Independent charter schools” (the original charter schools in RI law), and all are simply referred to as “Charter schools” in RI Education Funding law.<sup>3</sup>

### **Charter Schools as Defined in Rhode Island Law**

Charter Schools in Rhode Island are expected to be “vehicles for research and development in areas such as curriculum, pedagogy, administration, materials, facilities, governance, parent relations and involvement, social development, instructor’s and administrator’s responsibilities, working conditions, student performance, and fiscal accountability.” However, Charter Schools are still subject to the Age of Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the educational amendments of 1972, and part B of the Individuals With Disabilities Education Act.<sup>4</sup> Moreover, among the requirements that “may not be waived” are these: certification of public school teachers, teacher’s tenure (with the exception of mayoral academies), teacher’s retirement (with the exception of mayoral academies), uniform testing, and regulations of the state board<sup>5</sup> (Note: teachers at Charter Schools do not have to be Union members.)

Although charter school students in good standing may transfer back to public schools, any suspension or expulsion decisions are mutually respected: “A student who is not under suspension or expulsion for discipline reasons may withdraw from a charter public school at any time and enroll in another public school in the district where the student resides as determined by the school committee of the district. A

student may be suspended or expelled from a charter public school in accordance with the board of regents and local district regulations for suspensions and/or expulsions, and other public schools may give full faith and credit to that suspension or expulsion.”<sup>6</sup>

### **Accountability**

Although largely free from local school district control, Charter Schools are accountable to the Board of Regents and the RI Commissioner of Education.

According to Rhode Island law:

(b) Charter school approval for establishment or continuation shall be for up to a five (5) year period. In either case, board of regents’ approval is required. However, the charter may be revoked at any time if the school:

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

This year the following was added to the above statute:

(5) After three (3) consecutive years of operation, is not a "high performing charter school," which is defined as a charter school that has demonstrated overall success, including:

- (i) Substantial progress in improving student achievement; and
- (ii) The management and leadership necessary to establish a thriving, financially viable charter school.<sup>7</sup>

Individuals and groups may complain to the commissioner about any of the above if they feel complaints made to the governing body of a charter on these matters have not been answered adequately. The commissioner will then hold a hearing on the complaints to decide the issue.<sup>8</sup>

### **Funding**

Funding for Charter Schools has been confusing. Although funding was supposed to have been calculated per pupil based on the share ratio that all public schools were originally funded by<sup>9</sup>, for the past 10 years funding for conventional public schools was not based on the share ratio and Charter School distributions were individually listed in the budget annually. In 2010 the Legislature passed a new Education Funding Formula to take effect in FY 2012 (H-8094aa and S-2770aa). “It is the intent of the general assembly that funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment of a... charter school.”<sup>10</sup> Therefore, “Charter public schools defined in chapter 16-77, the William M. Davies, Jr. Career and Technical High School (Davies) and the Metropolitan Regional Career and Technical Center (the Met Center) shall be funded pursuant to section 16-7.2-3... The state share of the permanent foundation education aid shall be paid by the state directly to the charter public schools, Davies, and the Met Center pursuant to section 16-7.2-9 and shall be calculated using the state share ratio of the district of residence of the student as set forth in section 16-7.2-4.”<sup>11</sup>

Pupil counts are not simple and the charter school populations may not have the exact same demographics as regular public schools, but at least the distributions will be based on per pupil counts and both types of public school will receive a consistent amount per pupil.

**§ 16-77.1-5 Facilities support for charter public schools.** – A public school district or districts may access state aid for reimbursement of school housing costs for district sponsored charter public schools pursuant to §§ 16-7-35 through 16-7-47. Public charter schools not sponsored by a public school district or districts may apply for thirty percent (30%) reimbursement of school housing cost on the basis of demonstrated need. The Rhode Island department of elementary and secondary education shall promulgate regulations to implement this section consistent with the purposes and procedures of the existing school housing aid program pursuant to §§ 16-7-35 through 16-7-47...

**Footnotes:**

<sup>1</sup> R.I.G.L., [§ 16-77-3.1\(a\)](#)

<sup>2</sup> R.I.G.L., [§ 16-77-3.1\(g\)](#)

<sup>3</sup> R.I.G.L., [§ 16-77-2.1](#)

<sup>4</sup> R.I.G.L., [§ 16-77-3.1\(b\)](#)

<sup>5</sup> R.I.G.L., [§ 16-77.2-7](#), [§ 16-77.3-7](#), [§ 16-77.4-7](#)

<sup>6</sup> R.I.G.L., [§ 16-77-6.1](#)

<sup>7</sup> R.I.G.L., [§ 16-77-5.1](#), [§ 16-77.2-4](#), [§ 16-77.3-4](#), [§ 16-77.4-4](#)

<sup>8</sup> R.I.G.L., [§ 16-77-5.1](#)

<sup>9</sup> R.I.G.L., [§ 16-77.1-2](#)

<sup>10</sup> R.I.G.L., [§ 16-77.2-5](#), [§ 16-77.3-5](#), [§ 16-77.4-5](#)

<sup>11</sup> R.I.G.L., [§ 16-7.2-5](#)

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