

Article 11 as Amended

Relating to Strengthening Neighborhood Schools

SECTION 7. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by adding thereto the following chapter:

CHAPTER 3.2

SCHOOL AND FAMILY EMPOWERMENT ACT

16-3.2-1. Declaration of policy. – As part of the effort to transform education in Rhode Island, the general assembly is committed to developing and supporting strategies that foster cultures of excellence, innovation, and continuous improvement in Rhode Island schools. The general assembly believes that all district schools benefit from effective leadership, strong labor/management collaboration, strong community support and engagement, and the autonomy and flexibility to continuously improve instruction and implement and adopt strategies that meet the needs of their students. The general assembly therefore in this act establishes empowerment schools, which shall remain within a public school district, under the district leadership of the superintendent and school committee, but which shall be managed collaboratively on site by the principal and the faculty, as an additional opportunity for supporting more high performing and innovative schools within the Rhode Island system of public education. A school that volunteers to be an empowerment school, as defined in this chapter, shall have unprecedented levels of regulatory and statutory flexibility; school-based autonomy, including autonomy over budget; flexibility in school-based instructional policies and professional practices defined through shared leadership; and be uniquely positioned to create compelling learning environments responsive to increased student and parent/family empowerment. Similarly, in this act, the general assembly establishes the affirmative right for students and their parents/families to enroll in an empowerment school that is different than their assigned school based on residence, in order to seek innovative instructional policies and practices that best match their learning needs, so long as the empowerment school has elected, as part of its empowerment plan, to accept students from other schools within the student's district of residence.

16-3.2-2. The empowerment school. – (a) The following entities may be designated as an empowerment school: a school in a public school district, a school within a school in a public school district, a career and technical education program within a public school district, a state school.

(b) Except as otherwise provided in this chapter, all statutes, regulations, and collective bargaining agreement terms and conditions shall apply to empowerment schools.

(c) Notwithstanding §§16-2-9 and 16-2-11, the principal and professional staff of an empowerment school, acting in concert as a school leadership team, shall make decisions regarding the school's policies and practices, including, but not limited to, curriculum, instructional practices, policies and procedures, calendar and schedule, allocation of resources, staffing and professional development, consistent with the district collective bargaining agreement and school-based amendments as defined in §16-3.2-4(f). Leadership teams shall determine methods to document and communicate the latest decisions that emerge through the leadership team process. Noncertified staff, parents, students and community members may also be members of the school leadership team at the school's discretion. The principal shall have final authority in all instructional, personnel, managerial, and operational matters, except for those matters expressly delegated to the school leadership team through the participatory leadership process, consistent with the district collective bargaining agreement and school-based amendments as defined in §16-3.2-4(f).

(d) Students from the district in which the empowerment school is located shall be funded either pursuant to §§16-3.2-7 and 16-7.2-5 or, based on mutual written agreement between the superintendent and the principal of the empowerment school, in accordance with an alternative agreement with the school district.

(e) Teachers and other staff who work in empowerment schools shall maintain their full status as members of their respective bargaining unit and as employees of the district and service in an empowerment school shall not be deemed to be an interruption of service in the school district for purposes of seniority and teachers' retirement.

(f) Although existing collective bargaining agreements shall apply to an empowerment school, empowerment schools shall be eligible to amend the existing district-wide collective bargaining agreement through an expedited and timely process, subject to approval of the superintendent, district union membership, and school committee. School-based amendments to the district-wide collective bargaining agreement shall be non-precedent setting for future district bargaining or contract administration. In all instances, final approval or non-approval by all parties of school-based amendments to the district-wide collective bargaining agreement shall be made within ninety (90) days of submission of such request.

16-3.2-3. Procedure for creation of an empowerment school. – (a) The commissioner of elementary and secondary education shall develop a process for a public school, with the approval of its superintendent and school committee, to be designated as an empowerment school with the duties, responsibilities and autonomies set forth in this chapter. Said process shall also address the manner in

which a school and its school committee can convert an empowerment school back to a traditional public school. No existing public school shall be converted into an empowerment school or back to a traditional public school unless two-thirds (2/3) of the full-time professional staff currently assigned to the eligible entity described in §16-3.2-4 approve the proposal. The empowerment school application process and timeline shall be determined by the commissioner and include information including, but not limited to, the vision for the empowerment school; the means it will use to improve school performance and student achievement; performance criteria that will be used to measure student learning at least sufficient to participate in the state accountability plan; a plan for the governance, administration, and operation of the empowerment school; whether the school will be funded via §§16-3.2-7 and 16-7.2-5 or through an alternative written agreement between the superintendent and the principal of the empowerment school; and the state statutes, state regulations, contract provisions, and school district rules from which variances or waivers are sought in order to facilitate operation of the empowerment school. The application shall include a description of the authority of the principal and how employment decisions of the principal would impact the teacher and staff assignment process within a school district.

In order to facilitate statewide innovation, approved empowerment school plans shall be posted publicly.

(b) Upon deeming an application to be satisfactory, the superintendent and school committee shall transmit its approval of the designation to the commissioner of elementary and secondary education, who shall then register the school as an empowerment school subject to the duties, responsibilities, and autonomies of this chapter.

Nothing in this chapter shall require an empowerment school to include all of the provisions of this chapter in its locally approved plan. In other words, empowerment plans may include only a locally-determined subset of the provisions made possible by this chapter.

Nothing in this chapter shall prevent the creation of school-based amendment to the district collective bargaining agreement, as defined in §16-3.2-4 (f), to incorporate all or part of the empowerment plan into the local collective bargaining agreement.

(c) If the designation of an empowerment school is approved by the superintendent and school committee, it shall be authorized to operate for a period of up to three (3) years. The empowerment school plan may be modified as necessary during its period of authorization and may be renewed for increments up to three (3) years utilizing the same process outlined herein for initial designation and registration.

(d) Upon registration of the empowerment school designation by the commissioner of elementary and secondary education, the commissioner shall be deemed to have authorized all necessary variances from statutes and regulations enumerated in the application.

16-3.2-4. Empowerment school principal. – (a) Principals of empowerment schools shall be the educational leaders and administrators of their schools and shall supervise the operation and management of their schools and school property. It shall be the responsibility of the principal to promote participatory decision-making among all professional staff for the purposes of developing educational policy and practices. The term professional staff shall include all teachers, administrators, instructional leaders, specialists, and related service providers who are certified by the state as education professionals. Principals employed under this section shall be responsible for recommending the hiring and assigning all teachers and other professional staff, athletic coaches, instructional or administrative aides and any other personnel assigned to the school and for terminating all such personnel, subject to this chapter and the review and approval of the superintendent. Any assignment to an empowerment school of a teacher previously employed in another school in the district including, but not limited to, voluntary transfer, involuntary transfer, reduction in force, and recall, shall be subject to the approval of the principal, consistent with the district collective bargaining agreement and school-based amendments as defined in §16-3.2-4(f). No teacher or staff may be laid-off, suspended or terminated by a school district who would not otherwise have been laid-off, suspended or terminated except for an employment decision by an empowerment school principal pursuant to this section.

(b) The principal of the empowerment school shall serve at the pleasure of the superintendent with the advice and consent of the school committee through a written contract not to exceed three (3) years.

16-3.2-5. Budgets and funding. – (a) All services centrally or otherwise provided by the school district in which the empowerment school is located which the empowerment school decides to utilize including, but not limited to, financial services, transportation, food services, custodial services, maintenance, curriculum, professional development, media services, libraries, nursing, and warehousing, shall be subject to negotiation between the empowerment school and the school district in which the empowerment school is located and paid for out of the revenues of the empowerment school.

Nothing in this chapter shall prevent empowerment schools from electing to receive the same district services as it did prior to the empowerment school designation.

(b) An empowerment school shall be eligible to receive other aids, grants, Medicaid revenue, and other revenue according to Rhode Island law, as though it were a school district. Federal aid received by the state shall be used to benefit students in the empowerment school, if the school qualifies for the aid, as though it were a school district.

(c) An empowerment school may negotiate and contract directly with third parties for the purchase goods and services, consistent with applicable law.

16-3.2-6. Review of empowerment schools. – Each empowerment school shall be reviewed by the department of elementary and secondary education on a schedule determined by the commissioner. Based on an evaluation of the empowerment school's plan, its impact on student achievement, or its impact on the health and welfare of its students or staff, the commissioner may, in extreme circumstances and at any time during the empowerment school's authorized period of operation, recommend to the council on elementary and secondary education that the empowerment school's designation and registration, and/or its open enrollment designation, be revoked. Prior to recommending to the council that a empowerment school's designation and registration be revoked, the commissioner shall provide the school, superintendent, and school committee with specific notice of the reasons for revocation and grant the school and school committee an opportunity to be heard in accordance with the process set forth in chapter 39 of this title.

16-3.2-7. Portions of title 16 applicable to empowerment schools. – In addition to federal law and this chapter, the following provisions of this title shall be binding on empowerment schools. Accordingly, school committees may not endorse, nor may the commissioner approve any request for waiver of the following provisions pursuant to this chapter:

- (1) Section 16-2-2 (minimum length of school year);
- (2) Section 16-2-17 (right to a safe school);
- (3) Section 16-8-10 (federal funds for school lunch);
- (4) Section 16-12-3 (duty to cultivate principles of morality);
- (5) Section 16-12-10 (immunity for report of suspected substance abuse);
- (6) Sections 16-13-2, 16-13-3 (teachers' tenure)
- (7) Section 16-16-2 (teachers' retirement);
- (8) Section 16-19-1 (compulsory attendance);
- (9) Section 16-20-1 (school holidays enumerated);
- (10) Sections 16-21-3 and 16-21-4 (fire safety);
- (11) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);

- (12) Section 16-22-9 (uniform testing);
- (13) Section 16-24-2 (regulations of state board pertaining to children with disabilities);
- (14) Section 16-38-1 (discrimination because of race or age);
- (15) Section 16-38-1.1 (discrimination because of sex);
- (16) Section 16-38-2 (immunizations);
- (17) Section 16-38-4 (exclusive clubs);
- (18) Section 16-38-6 (commercial activities prohibited);
- (19) Section 16-38-9 (misconduct of school officers);
- (20) Section 16-38-10 (power of officials to visit schools);
- (21) Section 16-39-1 (appeal of matters of dispute to commissioner);
- (22) Section 16-39-2 (appeal of school committee actions to commissioner);
- (23) Section 16-39-3 (appeal to state board);
- (24) Section 16-39-3.1 (enforcement of final decision);
- (25) Section 16-39-3.2 (interim protective orders);
- (26) Section 16-39-8 (subpoena power of commissioner);
- (27) Section 16-40-16 (student records);
- (28) Section 16-71-1 (Educational Record Bill of Rights Act);
- (29) Section 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
- (30) Chapter 21.5 of title 16 (Student interrogations).

Although waivers for §16-11-1 (teacher certification) are permissible, consistent with the locally approved plan, teachers in an empowerment school must hold at least one teacher certification, which may be different than the certification associated with their assignment, unless such teacher is assigned to teach in a shortage area, whereby the teacher shall be provided with school-based support and work toward a certification to be awarded within five years of the date of assignment at the empowerment school.

16-3.2-8. Appropriation. – The general assembly may annually appropriate funds to support empowerment schools. This appropriation shall be managed by the department of elementary and secondary education.

16-3.2-9. Regulations. – The department of elementary and secondary education shall promulgate such regulations as are necessary to implement fully the purposes of this chapter.