

within districts.

Further, to support these policies, the new *Uniform Chart of Accounts* that the state has adopted will make district investments more transparent, enabling state officials, district leaders, parents, and the public to better see patterns of funding across different schools, monitor whether or not districts are actually satisfying BEP requirements for an equitable distribution of fiscal and human resources, and correct any policies and practices that systematically lead to disparities between high- and low-poverty schools.

**(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)**

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than

those applied to traditional public schools; and

(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

*In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.*

Evidence for (F)(2)(i):

- A description of the State's applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State's approach to charter school accountability and authorization, and a description of the State's applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
  - The number of charter school applications made in the State.
  - The number of charter school applications approved.
  - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
  - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State's applicable statutes, regulations, or other relevant legal documents.
- A description of the State's approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State's applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

*Recommended maximum response length: Six pages*

(Enter text here.)

As part of transforming education in Rhode Island, the Commissioner and Board of Regents have a deliberate strategy to grow the number of high-performing charters and other innovative schools. Charters and other innovative schools provide an important role in RI's overall strategic plan by :

- modeling and incubating innovative practices (especially for teacher and leader recruitment, selection, compensation and evaluation) that can be adopted by schools and districts across the state,
- attracting and developing highly-effective teachers and leaders to serve charters and traditional schools,
- providing options for low-income students,
- playing an important role in the state's strategy to turn-around low-performing schools (see E2).

Rhode Island once lagged behind most other states in charter policy. But with strong support from the Commissioner of Education, the Board of Regents, the Governor, and state legislative leaders, Rhode Island has developed innovative, model legislation (see "Mayoral Academies" discussion below). In the process, leaders have shown considerable courage in the face of political opposition. These changes and the steadfast support of leaders will enable RI to attract some of the nation's best charter school operators and help strong state-based charters grow.

With one of the nation's fairest charter funding formulas; strong and improving policies for authorization, oversight and

closure of charter schools; and strong state and local leadership, the future of charter schools in Rhode Island is very promising.

***F2i) Rhode Island's current charter law and policies do not prohibit or effectively inhibit the growth of high-performing charter schools.***

There are currently 13 charter schools operating across Rhode Island, located in seven communities. The concentration of these charters is in the urban, high-need communities of Providence, Pawtucket, Woonsocket and Central Falls. These public charter schools consist of five K-8 schools, four high schools, one middle school and three K-12.

State law and policy allow significant growth in the charter sector by imposing minimal limitations on expansion; allowing schools to open anywhere and serve any student; and empowering mayors to be an engine for expansion of high-quality chartering. Between 2005 and 2009, Rhode Island did not open any new charter schools due to a legislative moratorium. In 2009-10, however, the legislature allowed the moratorium to expire and began appropriating funds for charter school expansion. Two new schools opened in 2009-10; two others have attained preliminary approval from the Regents; and two more applications are under review. Looking to the future, the prospects for substantial increases in the charter sector are strong, due to the following factors:

**Minimal legal and regulatory limits on expansion.**

While the state's charter school law does include constraints on the number of charters issued, these restrictions do not effectively inhibit the growth of high-quality charter schools in Rhode Island (RIGL 16-77-8 c). In practice, however, because the state allows for a single charter-holder to operate multiple campuses, the twenty charter limit is not in any way a constraint on the number of charter schools that may operate in Rhode Island. Thus, a Charter Management Organization (CMO) could use a single charter to operate multiple campuses. For example, in 2009, a single charter was granted to operate a K-12 *network* of mayor-sponsored charter schools, beginning with a single elementary campus. Twenty charters would represent approximately 7% of the total number of public schools in the state; if 2-3 campuses operated under each charter, the schools could represent 14-21% of all

schools under current state law.

Rhode Island's law limits charter enrollment to four percent of the state's school age population, approximately 6,000 students. While this policy may eventually limit the expansion of high-performing charter schools, there is ample room for growth for the foreseeable future. In 2008, charter schools enrolled 2,995 students statewide. The state could more than double the number of students enrolled in charter schools before reaching the four percent limit. In addition, both the Commissioner and key state legislative leaders are committed to lifting the enrollment and school-number caps in the upcoming legislative session to allow for future growth of high-performing charter schools in Rhode Island by July 2010.

**Complete freedom to choose location and serve all students.** While some states limit where charter schools can open and what students they can serve, Rhode Island imposes no limits on the location of charter schools, or the areas from which new schools may draw their students. In 2009, there were 13 startup charter schools operating in the state. These schools were located in seven different towns and served students from 32 of the 36 school districts in the state.<sup>7</sup>

**Empowering mayors to be an engine of growth.** Since 2008, Rhode Island's charter law has also included a nationally unique charter type known as "mayoral academies" – independent public charter schools with boards chaired by a mayor or group of mayors and made up of representatives from each town served. Mayoral academies operate under a different legal structure from other charter schools in Rhode Island. Unlike other public charter schools, mayoral academies are automatically granted freedom to establish their own policies regarding teacher retirement, compensation, and tenure.<sup>8</sup> All public charter schools, including mayoral academies, may request the Board of Regents to grant waivers to almost any statute in the state's Education Code (RIGL, Title 16).

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<sup>7</sup> Data on number of districts of residences is based on 2008 enrollment figures.

<sup>8</sup> R.I.G.L. 16-77-11 (7)-(8)

Mayoral academies are a likely engine of growth for charter schools in Rhode Island because of these favorable legal conditions, but also because of the formation of a new nonprofit, Rhode Island Mayoral Academies (RIMA), chaired by Cumberland Mayor Dan McKee and funded by several national and local philanthropies. RIMA is in the process of building a statewide network of high-performing charter schools operated by the most highly successful charter operators from inside and outside the state. RIMA has raised \$5 million in philanthropic funding for charter expansion in Rhode Island, with a goal of \$20 million over the next two years. RIMA received its first charter in 2009 for a set of schools overseen by a board that includes the mayors of Cumberland, Central Falls, Pawtucket, and Lincoln. Operated by Democracy Prep, the highly successful New York City-based charter school organization, the schools will ultimately serve 1,175 students in grades K-12. RIMA has already petitioned the Board of Regents to double that number to 2,350 in response to high demand for the first campus, which opened in fall 2009. The Commissioner of Education and Board of Regents are committed to working with RIMA to open a network of high-performing charter schools in underserved communities across the state, giving Rhode Island a mechanism for the growth of excellent charter schools.

Under the Commissioner's leadership, RIDE will continue to build the momentum for charter schools in the state by building the capacity of its best in-state schools to grow and attracting the highest performing charter management organizations (CMOs) to Rhode Island.

**Building In-State Capacity to Expand and Support Quality Charters.** RTTT funds, in combination with the federal Charter School Program grant will help strengthen the presence of several strong charter schools in the state. RIDE will continue to partner with the League of Charter Schools to build the capacity of quality charters, especially those succeeding with high-need students. Designing a central office to support multiple schools requires both operational and program expansion management expertise. The Learning Community, a charter located in Central Falls but serving students from multiple districts (the highest need LEAs), has created an innovation model of migrating strong instructional practices into the Central Falls district by providing

professional development to the district's K-2 grade teachers Central Falls has a significant ELL population and Learning Community has served these students well. The Learning Community currently has a waiting list of over 400 students, signaling significant unmet demand. With support, Learning Community will have greater success in its expansion process. The International Charter School also has served ELL and immigrant students well and might also benefit from operational and programmatic support to grow. Together, these schools are poised to support students and work as partners with LEAs that serve students in high need/low income communities.

**Attracting High-Performing National Charter Operators.** Rhode Island will use its RTTT and Charter School Program funds to bring the highest performing charter operators to the state. The state already has secured commitments from several of the nation's top performing CMOs – Achievement First, MATCH, and School Revolution (formerly Excel) – to apply for charter approval and potentially open in the next two years. (See Appendix F6-8: Letters of Interest, p. 541.) RIDE will continue to seek out CMOs with track records of producing outstanding academic results for high-need students, especially those who serve special education and ELL students well.

**F2ii) Rhode Island has strong policies regarding charter authorizing, serving high-need students, and closing ineffective charter schools.**

Legal Description of Charter Laws: An application to establish a charter school may be submitted by existing public schools, groups of public school personnel, public school districts, established RI nonprofits, or mayor-led nonprofits in the case of mayoral academy. (RIGL 16-77-3 (b)). Before an application may be submitted to the Board of Regents, it must be approved by either the Commissioner or the school committee of a district, which may request that the applicant make revisions to his or her charter application prior to final submission. (RIGL 16-77-4(b)). In May 2009, the Board of Regents, the only group with the ability to authorize charters, adopted a new Framework for RIDE and Board of Regents Charter School Authorization Criteria and Application Review Process. This framework ensures that the Board of Regents will charter, “only when an application

demonstrate strong capacity and commitment to the operation of a high quality charter school.” And further favors chart application designed to increase the educational opportunities of educationally disadvantaged and at-risk pupils, in keeping with statutory guidelines. RIGL 16-77-9 (c). Approved charter school operators must further meet stringent oversight requirements established by the Commissioner (ROGL 16-77-8), as well as fiscal oversight by the Auditor General. RIGL 16-77-12. See Appendix 9, Rhode Island State Charter Statute, p. 547.

**Strong Authorizing Policies:** The Board of Regents has developed strong policies regarding charter authorizing. The Board of Regents thoroughly vets all charter applicants and allows only those with a high likelihood of success to proceed. The Board’s authorizing process also enforces strong policies in the state’s charter school law designed to ensure that charter schools serve high-need students. The Framework for RIDE and Board of Regents Charter School Authorization Criteria and Application Review Process adopted by the Board of Regents in 2009, ensures charters are authorized “only when an application demonstrates strong capacity and commitment to the operation of a high-quality charter school.” The policy sets forth rigorous criteria for the school concept, application content, the applicant’s capacity and long-term commitment, and the extent of community support. The policy also describes a multi-step process for approval of charter applications, which includes review by a Charter Review Committee, a period of public comment, and a recommendation by the Commissioner for preliminary approval. Applicants gaining this preliminary approval must then meet a series of robust tests for “readiness,” including a review of their financial plans by the state auditor, the hiring of a competent school leader, the identification of a suitable facility, and the enrollment of a substantial portion of the school’s planned student body. Schools must also negotiate a performance contract with RIDE that “articulates the rights and responsibilities of each party regarding school autonomy, RIDE regulatory oversight, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms such as statutory and regulatory conditions of operation.” (See Appendix F10: BOR Approval Process, p. 567 and F11: RIDE Charter Review Policy, p.572.)

Rhode Island’s authorization process has proven rigorous in practice, with approximately a third of applications receiving



approval. Since passage of the *Charter Public School Act of Rhode Island* in 1995, the state has received 37 applications. Of these 37 applications, thirteen have been approved, two have received preliminary approval, and three more are currently under review. Four applications (11 percent) were withdrawn and 17 (46 percent) were rejected. (See Appendix F2ii-2.) The Board of Regents rejected applicants because it considered their plans unsustainable financially or programmatically.

**Serving high-need students.** To ensure that charter schools serve a student population similar to that of the community in which they are located, and especially to ensure that charters serve high-need students, the state’s charter law stipulates that no charter may be authorized that does not include “students eligible for free or reduced cost lunch, students with limited English proficiency, and special education students in a combined percentage equal to those of the student populations enrolled in the school district as a whole.”<sup>9</sup> Furthermore, half of the state’s twenty charters are reserved for schools designed to serve at-risk pupils.<sup>10</sup> The Board of Regents’ *Charter School Authorization Criteria and Application Review Process* amplifies this statute by stating that “the Board of Regents and RIDE shall give priority to projects that are designed to target and serve students from disadvantaged backgrounds. In particular, projects designed to serve students from districts under state intervention and/or under corrective action will be given priority.” About 49% of charter school students are eligible for free and reduced price lunch, compared with 38% of students statewide.

**Charter school accountability.** For applications that are accepted, the state has implemented an ongoing review system to ensure that schools are achieving high levels of performance. In addition to oversight that applies to all public schools, RIDE’s accountability process for charter schools requires: annual reports filed by charter schools covering mission, program performance, governance, and financial accountability; submission of annual audited financial statements; reports to the Auditor General Office

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9 R.I.G.L. 16-77-4 (b)(10)

10 R.I.G.L. 16-77-8 (d)

and the Office of Municipal Affairs; school visits conducted by the Board of Regents; a process for enrollment lottery monitoring; ongoing communication and consultation between RIDE's Charter Schools Coordinator and charter school directors including multiple on-site visits; and a process for investigating public complaints and inquiries regarding charter schools.

**Reauthorization process.** As schools approach the end of their 5-year terms, RIDE conducts an extensive reauthorization process led by an internal review team made up of representatives of the assessment, finance, school improvement and staff from the Commissioner's office. The Review Team conducts a wide-ranging data collection and analysis process that encompasses state assessment results, survey data, school visit reports, financial statements, annual reports, and the school's own self-analysis, all in reference to the original charter application. The State and Charter Schools Committee of the Board of Regents visits the school to observe it in operation, The Review Committee then meets face-to-face with the head of school, the board chair, the academic officer, and the finance office to discuss the findings. Finally, the Board of Regents decides whether to reauthorize the school's charter.

**Nonrenewal, revocation or closure.** In accordance with R.I.G.L. (16-77-8(b)), the Board of Regents may revoke a charter at any time if the school fails to meet or pursue the educational objectives contained in its charter. Since passage of the Charter Public School Act of Rhode Island in 1995, the state has not needed to close a charter school through nonrenewal or charter revocation. The Commissioner and Board of Regents, however, are committed to raising the bar for charter school performance in Rhode Island. This entails both increased support to build the capacity of existing charters to deliver even greater student achievement gains, as well as a new process to identify charters that consistently fail to meet high expectations and either closing those schools or "re-chartering" them under new governance and management.

As part of this process, the state is strengthening the performance contract between the Board of Regents and charter-holders, and is increasing the charter office's capacity to carry out high-quality oversight. To implement this work, the Commissioner has created the Division of Accountability and Quality Assurance and has added additional support by providing a

new, full-time staff positioned focused on charter schools within RIDE. These actions have elevated the role of charter schools within RIDE and have dramatically built RIDE’s capacity to monitor comprehensively the performance of charter schools, identify those that consistently fall short of high-quality standards, hold them accountable including closing schools that consistently fall short. To ensure public accountability for the state’s charter authorizing activities, the Commissioner will publish an annual report which will describe the student performance results achieved by existing schools; detail the numbers of applications received for new charters and disclose whether they were approved, rejected, or withdrawn; and detail any school closures or re-charterings and the student achievement results upon which these decisions were based.

The Commissioner recently adopted a new, rigorous protocol for recommending revocation of a school’s charter. (See Appendix F12: Protocol for Revocation Recommendation, p. 579.) This protocol ensures a fair, transparent, and merit-based process that bases charter closure decisions on a thorough and rigorous review of the school’s performance, especially its success or failure in improving student academic achievement.

In addition, this process places paramount importance on the well-being of the school’s students, including an option to “re-charter” the school--by identifying new governance and management to take over its operations--so that its pupils can continue in the existing facility. In the case of school closure, students and their families will be assisted in transitioning to new schools, including charters and other schools of choice.

**F2iii) *Rhode Island provides one of the most equitable funding policies for charter schools in the nation.***

Under Rhode Island’s charter law, each charter school is guaranteed to receive 95 percent of the state and local funding a traditional public school district would receive for each student enrolled (the remaining five percent is distributed to each charter

student's district of residence to pay for administrative costs. (See Appendix F13: Flowchart Charter Funding, p. 582 and Appendix F14: Narrative on Charter Funding, 583.)<sup>11</sup> The state sends all federal funding for which a school is eligible directly to the school as if it were a district.<sup>12</sup> According to the Center for Education Reform, only five of the 40 states (plus DC) with charter schools provide more equitable funding for charter schools than Rhode Island (Idaho, Minnesota, Missouri, North Carolina, and Tennessee).<sup>13</sup>

Authorized by the Board of Regents, RIDE is developing a statewide student based funding formula proposal for the state and has begun meeting with Staff and Members of the General Assembly. The proposed formula would increase funding equity for charter schools by ensuring that schools which enroll a higher concentration of at-risk students receive higher levels of state funding. Even without that change, charter school funding in Rhode Island ranks among the nation's most equitable states.

***F2 iv) Rhode Island provides substantial facilities grant funds to charter schools, while imposing no significant restrictions.***

The state provides financial support for charter school facilities through a reimbursement program, outlined in 16-77.1-5. Both startup charter schools and mayoral academies may apply for a 30 percent reimbursement of school housing costs directly from the state. The reimbursement program provides generous support for school facilities, allowing schools to receive reimbursement for facility purchasing, renovation, and maintenance. For charter schools within districts, the sponsoring school district may access state aid for facilities in the same manner as it would for a traditional public school. Between 2005 and 2007, the state provided well over \$22 million in facilities reimbursements to six charter schools. In addition, charter schools in Rhode Island

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<sup>11</sup> R.I.G.L. 16-77-1-2 (a)

<sup>12</sup> R.I.G.L. 16-77-6(e) "Federal aid received by the state shall be used to benefit students in the charter public school, if the school qualifies for the aid, as though it were a school district."

<sup>13</sup> [http://www.edreform.com/charter\\_schools/funding/chart.htm](http://www.edreform.com/charter_schools/funding/chart.htm)

can obtain tax-exempt bond financing via the Rhode Island Health and Educational Building Corporation. Between 2002 and 2007, RIHEBC completed five charter school bond offerings amounting to \$27 million.<sup>14</sup> These policies for funding charter school facilities – which are far more generous than those in many other states – combined with a large number of vacant or under-utilized former parochial schools facilities in the state make it much easier for charter school operators to access and fund appropriate school facilities in Rhode Island than in many other states – another factor that will help the state attract the highest performing national charter school operators.

The existence of mayoral academies further reduces the burden of locating and acquiring charter school facilities. RIMA provides ready-to-use facilities with rents based on enrollment, aiming to limit rent to 5% of schools' per-pupil funding. The unique partnership created between the community and the charter sector in mayoral academies encourages mayors to use their influence over municipal resources to increase the number of high-performing charter schools. In many municipalities the town or city may own school facilities. In this case, mayors could facilitate a charter school's acquisition of an unused property. In other instances, mayors could help increase the number of high-performing charter schools less directly, by galvanizing the local community and local philanthropy to secure additional funding for a new charter school facility.

***F2 v) Rhode Island law does not restrict the ability of an LEA to operate an innovative or autonomous public school.***

Although the state does not have a formal mechanism to grant individual schools within an LEA enhanced autonomy, other than by creating a charter school within the district, the state does not prohibit LEAs from using their own authority to create innovative, autonomous public schools. LEAs have used this authority in many instances, such as Providence's conversion of Hope High School into three small, autonomous high schools.

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<sup>14</sup> Local Initiatives Support Corporation, *2007 Charter School Facility Finance Landscape* (New York: LISC: 2007), p. 33.

Rhode Island's high schools have implemented several innovative e-learning opportunities that enable students to access web-based content and differentiated instructional delivery systems for credit recovery and advancement. Of the high schools that use e-learning, over 70% of high schools use it for credit recovery; almost 40% use e-learning for credit advancement; and 25% provide opportunities for students to gain college credit through e-learning. Rhode Island high schools are currently working with a variety of providers--including Virtual High School, Virtual Learning Academy, NovaNet, Brigham Young University, Keystone University, Plato, Vista, Skills Tutor, and Anywhere Learning--to provide these virtual learning opportunities to their students.

Rhode Island is committed to offering high-quality e-learning experiences that allow both youth and adults to prepare for and access meaningful learning for college and careers and become members of a worldwide learning community. RIDE is coordinating with LEAs, workforce cabinet partners, business partners, institutions of higher education, and experts from the field to create a statewide plan to build a dynamic integrated virtual learning network that will advance e-learning opportunities and promote educational innovation.

With RTTT funds, Rhode Island will advance its comprehensive and cohesive statewide development plan by:

- Launching a virtual learning network (a consortium of invested stakeholders who commit to improving access to rigorous, high-quality e-learning in Rhode Island) that includes coursework, training, and college e-learning and creates state-wide guidance around access and opportunity for secondary students
- Approving the design and implementation of a state-sponsored virtual learning high school that attends to both credit recovery and credit advancement by building access to expanded high-quality curriculum in a synchronous and asynchronous offering structure.

Rhode Island will issue an RFP seeking a provider with expertise in the design and implementation of high-quality e-learning offerings that will work closely with the emerging e-learning community and RIDE to achieve the implementation of a state-sponsored virtual learning high school. This virtual learning high school will advance on-line interactive learning and addresses individual student educational needs and interest.

**(F)(3) Demonstrating other significant reform conditions (5 points)**

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

*In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.*

Evidence for (F)(3):

- A description of the State's other applicable key education laws, statutes, regulations, or relevant legal documents.

*Recommended maximum response length: Two pages*

(Enter text here.)

Robert Kennedy could not have more succinctly articulated the challenges facing public education today, when he said more than 40 year ago: "*Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality for those who seek to change a world that yields most painfully to change.*" Rhode Island is prepared drive forward education reform to transform the state and serve as a model for the nation. Recent polices, regulations and executive orders are testament to our resolve and lay the groundwork for dramatic impact. Our RTTT proposal details a coherent and comprehensive set of policies and