



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
 Nellie M. Gorbea, *Secretary of State*

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

Education, Board of Regents for Elementary and Secondary  
 255 Westminster Street

**2. Title of Rule**

Charter School Regulations

**3. Statutory Source of Authority**

R.I.G.L. 16-77-3.1(e), 16-77.2-3(a), 16-77.2-3(f), 16-77.2-5(c),

**4. Concise Explanatory Statement - §42-35-2.6**

The regulations were adopted in order to provide uniform rules for the establishment, operation, and oversight of charter schools in Rhode Island. The rules are designed to provide for charter schools which will offer high-performing educational opportunities to public school students and develop innovative educational practices that can be shared with other public schools. The adopted regulations contain changes to the proposed regulations. In the Purpose section, language concerning high-performing educational opportunities was added to more fully reflect the legislative purpose in §16-77-3.1. Chapter 1 delineates the application and approval requirements to provide greater clarity and transparency, and the approval requirements substitute a willingness, rather than a commitment, to enrolling in order to preserve student enrollment options. Chapter 2 grants the Commissioner authority to approve minor amendments to charters for flexibility and time-saving reasons. Chapter 3 delineates the annual reporting requirements to provide greater clarity and transparency, and provides for greater flexibility by allowing the Commissioner to establish the submission date for the annual progress report. Chapter 4 was given greater specificity by requiring the Commissioner to establish improvement standards for schools placed on probation, and by requiring a school to demonstrate that it met the terms of its charter in order to overcome a recommendation that its charter not be renewed. Chapter 4 also more precisely references the Commissioner's authority to coordinate state education agencies in the context of a charter school closure. Chapter 5 permits the Commissioner to establish enrollment lottery dates to facilitate extended student outreach and more certain enrollment decisions. A 10% total-enrollment limit for children of teachers and school founders was added to comply with federal guidance. A provision addressing the placement of students with disabilities was deleted as being redundant in light of related disability laws and regulations. Chapter 7 was made more specific by limiting certain restrictions on contracts to comprehensive service and management contracts. For greater clarity and transparency, the content requirements for contracts are delineated in the adopted regulations. Finally, the protections of students set forth in Chapter 9 were made more comprehensive by prohibiting the granting of variances and waivers which would infringe the civil rights of students.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-2.10

- Adoption  
 Amendment of ERLID:  
 Repeal of ERLID:

A2. Emergency 60-day renewal - §42-35-2.10

- Adoption  
 Amendment  
 Repeal

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-2.10:

**Final Rules**

B1. Amendment - §42-35-3(a)

B2. Adoption - §42-35-3(a)

B3. Repeal - §42-35-3(a)

C. Technical Revision

D. Direct Final Rule - §42-35-2.11

If B1 or C, please indicate new, amended, deleted, or revised sections:

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-2.8:12/02/2010

Date of Public Hearing - §42-35-2.8:01/13/2011

End of Comment Period - §42-35-2.8 :01/30/2011

**7. Agency Additional Information - Web Page**

<http://www.ride.ri.gov>

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**8. Certification**

*I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Notary Public

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ERLID#: 6434