



# Blackstone Valley Prep Mayoral Academy

## Board Meeting

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### Date and Time

Monday April 26, 2021 at 5:30 PM EDT

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Location: Online at <http://bit.ly/BVPBoard42621>

Materials available at <http://bit.ly/BVPBoardMaterials42621>

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### Agenda

#### I. Opening Items

Opening Items

- A. Record Attendance and Guests
- B. Call the Meeting to Order
- C. Vote to Approve Minutes 3/29/21

D. Election of Board Officer

E. Public Comment

Public comment welcome, with 3 minutes allotted per speaker.

#### II. Recurring Items

- A. CEO Report

- School Highlights
- Human Capital Update
- School Data Update (Attendance, Suspension, Academic Indicators)
- Media/Advocacy
- Fundraising/Partnerships
- Committee Meetings

**B. Finance Director Report**

- Board Dashboard
- Balance Sheet
- Cash Flow
- YTD Budget to Actual

**III. Previous Business Items**

- A.** Amendments to By-laws
- B.** Response from RIDOH re: BINAX Now Testing

**IV. New Business Items**

- A.** Diversity Equity Inclusion Committee Report
- B.** Athletics Update: Football co-op opportunity
- C.** ESSER Funding

**V. Closing Items**

- A.** Adjourn Meeting

# Coversheet

## Vote to Approve Minutes 3/29/21

<b>Section:</b>	I. Opening Items
<b>Item:</b>	C. Vote to Approve Minutes 3/29/21
<b>Purpose:</b>	Approve Minutes
<b>Submitted by:</b>	
<b>Related Material:</b>	Minutes for Board Meeting on March 29, 2021

APPROVED



# Blackstone Valley Prep Mayoral Academy

## Minutes

### Board Meeting

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#### Date and Time

Monday March 29, 2021 at 5:30 PM

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Location: Online at <http://bit.ly/BVPBoard32921>

Materials available at <http://bit.ly/BVPBoardMaterials32921>

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#### Directors Present

J. Diossa (remote), J. Morton (remote), J. Mutter (remote), J. Silva (remote), J. Waters (remote), M. Rivera (remote), M. Zuluaga (remote), R. Vrees (remote), W. Murray (remote)

#### Directors Absent

J. Almond, M. Magee

#### Guests Present

A. Fatal (remote), A. Summers (remote), B. Dowd (remote), C. Heng (remote), C. Losea (remote), J. Chiappetta (remote), J. Falk (remote), M. DeMatteo (remote), S. Anderson (remote)

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### I. Opening Items

#### A. Record Attendance and Guests

#### B. Call the Meeting to Order

J. Mutter called a meeting of the board of directors of Blackstone Valley Prep Mayoral Academy to order on Monday Mar 29, 2021 at 5:32 PM.

### **C. Vote to Approve Minutes 3/1/21**

J. Diossa made a motion to approve the minutes from Board Meeting on 03-01-21.

J. Waters seconded the motion.

The board **VOTED** unanimously to approve the motion.

### **D. Public Comment**

No public comment.

## **II. Recurring Items**

### **A. CEO Report**

J. Chiappetta presented highlights from the CEO report as included in the Board packet, noting that the State has not yet adopted updated CDC guidelines around school spacing; College Admissions season has arrived, with many acceptances rolling in for BVP's graduating class, including 30 scholars admitted to the URI talent development program

J. Diossa made a motion to accept the CEO report as included in Board packet.

W. Murray seconded the motion.

The board **VOTED** unanimously to approve the motion.

### **B. Finance Director Report**

C. Losea presented highlights of the CFO Report as included in the Board packet, noting that BVP's financial ratios are currently exceeding requirements, and that there has not yet been a decision from the SBA regarding BVP's Paycheck Protection Plan loan. An updated budget is still in the works, which will address some line items in the current budget that are over or under projections at this time of the year.

J. Silva made a motion to accept the CFO report as included in Board packet.

J. Morton seconded the motion.

The board **VOTED** unanimously to approve the motion.

## **III. New Business Items**

### **A. Updated 2020-21 Budget**

A budget has been included in the Board Packet for review; the Finance Subcommittee will review and provide feedback before the next Board meeting. Among the changes are

- State aid allocation adjusted up
- Local tuition adjusted down due to actual enrollment numbers
- Fundraising adjusted down based on COVID impact on events
- COVID related grants (ESSER, etc.)
- Salary expenditures adjusted based on actual filled positions

- Supply, custodial, transportation actual expenses down from beginning of year estimates
- Cost of curricular materials (books, technology, curriculum software) increased from budget

W. Murray made a motion to table a vote on the adjusted budget until the next meeting.

J. Diosa seconded the motion.

The board **VOTED** unanimously to approve the motion.

## **B. Curriculum, Instruction, Academics (CIA) Update**

S. Anderson presented some updates from the BVP Academics team. Notably, state testing (RICAS) is moving forward, and BVP staff is working on plans to test all scholars in person, even if they are currently enrolled in distance learning. She also noted that plans for summer programming are taking shape, including potential partnerships with the YMCA and Generation Teach to ensure BVP can offer quality programming to scholars who need extra support at this time

## **C. Governance Committee Report**

M. Zuluaga reported on the discussion from the Governance Committee meeting, including proposed changes to bylaws to address term lengths and limits, which were included in the Board Packet.

M. Zuluaga and J. Waters have also volunteered to lead a CEO evaluation process this year, working with key staff and the Human Capital team to ensure a thorough process.

## **IV. Closing Items**

### **A. Adjourn Meeting**

M. Rivera made a motion to adjourn.

J. Morton seconded the motion.

The board **VOTED** unanimously to approve the motion.

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 6:30 PM.

Respectfully Submitted,

B. Dowd

# Coversheet

## CEO Report

<b>Section:</b>	II. Recurring Items
<b>Item:</b>	A. CEO Report
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	042621 CEO Report (2).pdf



# BLACKSTONE VALLEY PREP

*Preparing every scholar for success in college and the world beyond.*

## Chief Executive Officer Report

Jeremy Chiappetta

April 26, 2021

### Key Highlights:

- BVP continues to offer more seats for in-person instruction for those who want it. With the new RIDOH/RIDE regulations allowing increased bus capacity and reduced classroom distancing, we anticipate many more scholars coming in over the next couple of weeks. We have also seen a number of families who are Distance learning, but came in for RICAS, and have since changed their modality preference.

School	Status	% In-person	Change from 3/29 Report
ES1	Reopened Tuesday 1/19	68%	+ 12%
ES2	Reopened Tuesday 1/19	67%	+ 9%
ES3	Reopened Tuesday 1/19	67%	+ 14%
UES	Reopened Tuesday 2/23	66%	+ 6%
JHS	Reopened Tuesday 2/23	70%	+ 10%
HS	Reopened Tuesday 2/23	65%	+ 2%

- BVP continues partnered with RIDOH and RIDE to launch BinaxNOW on-site rapid COVID-19 testing: approximately 90% of our community has opted in to testing.

Total Tested	3582
Total Positives	9
Rate	0.25%

While testing has largely helped us identify several asymptomatic cases, we have also had some concerns regarding testing. Specifically, a staff member who within 48 hours had a negative BINAX, a negative PCR, and then at school had a



“faint” positive followed by another negative BINAX and negative PCR was still considered a positive case and the class and the person had to isolate/quarantine. The consensus of our nursing team is that the “faint” was a false positive, yet the impact was significant and RIDOH would not release the quarantine.

- Close to 90% of BVP staff have received at least their first shot of a COVID19 vaccine, well over half of those now fully inoculated.
- The BVP Virtual Art Show launched this past week!  
<https://sites.google.com/view/bvpartshow/> Please check it out!
- On Friday, April 16, after 12 years of excellent service, Colleen Colarusso resigned her position as Chiefs Schools Officer. We wish her nothing but the best, Head of School Sara Tucker and Chief Academic Officer Sarah Anderson led a phenomenal send off on the 15th, and, in her honor, we had permanently named the ES2 Main Office “Regis College”, Colleen’s alma mater, in her honor.
- College admissions are here, and College Signing Day will be May 21! While we have a few waitlists to still be processed, this year’s acceptances include:

Anna Maria College  
Assumption University  
Barry University  
Bentley University  
Boston College  
Boston University  
Bridgewater State University  
Bryant University  
California University of Pennsylvania  
Case Western Reserve University  
Central Connecticut State University  
Clark University  
Colby-Sawyer College  
College of the Holy Cross  
Community College of Rhode Island  
Curry College  
Dean College  
Eckerd College  
Emmanuel College  
Florida Atlantic University  
Florida Southern College  
Framingham State University  
Franklin Pierce University  
George Washington University  
Gordon College  
Goshen College  
Howard University

Indiana University-Purdue University  
Indianapolis  
Iona College  
James Madison University  
Johnson & Wales University  
(Providence)  
Keene State College  
Keuka College  
Lasell University  
Lesley University  
Loyola University Maryland  
Manhattan College  
Marist College  
Massachusetts College of Liberal Arts  
Massachusetts College of Pharmacy and  
Health Sciences  
McDaniel College  
Merrimack College  
Mount Holyoke College  
New England Institute of Technology  
North Carolina A & T State University  
Northeastern University  
Northwestern University  
Nova Southeastern University  
Pace University (New York City)  
Pace University (Westchester)  
Plymouth State University  
Providence College

Quinnipiac University  
Rensselaer Polytechnic Institute  
Rhode Island College  
Roanoke College  
Rochester Institute of Technology  
Roger Williams University  
Rutgers University (New Brunswick)  
Sacred Heart University  
Saint Anselm College  
Salve Regina University  
Seton Hill University  
Simmons University  
Southeastern University  
Spelman College  
St John's University (New York)  
St. Thomas University  
Stonehill College  
Suffolk University  
Susquehanna University  
Syracuse University  
Texas A&M University  
Trinity College  
University of California (Berkeley)  
University of California (San Diego)

University of Connecticut  
University of Hartford  
University of Hawaii at Hilo  
University of Houston  
University of Kentucky  
University of Maryland (College Park)  
University of Massachusetts (Amherst)  
University of Massachusetts (Boston)  
University of Massachusetts  
(Dartmouth)  
University of New Hampshire (Main  
Campus)  
University of New Haven  
University of North Georgia  
University of Pittsburgh (Main Campus)  
University of Rhode Island  
University of Scranton  
Wake Forest University  
Washington University in St Louis  
Wellesley College  
Wentworth Institute of Technology  
Western New England University  
Wheaton College  
Worcester Polytechnic Institute

### **Talent**

- Teacher and staff postings for next year are active and we are actively considering some ESSER funded roles to specifically support return to school in the post-COVID era, including Leadership Fellows, Transition Coordinators, additional building substitutes and teaching fellows.

### **Key Data**

- **Current enrollment** is 2,116 (down from 2,118 at our last meeting). Recent withdrawals related to moving out of state.
- **Attendance:**

## Year-to-Date

School	Attendance Percentage	On-Time Percentage	Chronically Absent Percentage
Elementary School 1	94.41 %	98.34 %	18.31 %
Elementary School 2	94.60 %	98.12 %	16.55 %
Elementary School 3	92.83 %	99.22 %	24.44 %
High School	92.65 %	96.23 %	25.69 %
Junior High School	94.90 %	94.42 %	16.49 %
Upper Elementary	95.50 %	97.26 %	14.16 %
zOut-of-District	100.00 %	100.00 %	0.00 %
District Total	94.24 %	97.33 %	18.95 %

- *Attendance has been strong overall, slightly improved from last month (94.24% vs. 94.22% last month; 18.95% Chronically absent vs. 20.54 last month).*

### **Development**

- We are actively pursuing some major investments for the BVPHS expansion.
- We continue to actively push support for the BVP Social Worker Fund. Thank you!
- Join us in supporting Teacher Appreciation Week:  
<https://blackstonevalleyprep.org/product/teacher-appreciation-week/>

### **Media and Advocacy**

- BVP is working locally with Achievement First and RISE Prep to continue to advocate for fair funding and investment of RI COVID dollars in support of schools. Excel Academies of Massachusetts has applied to be a mayoral academy and is also now meeting with our advocacy group. Moreover, we are working together with the Rhode Island League of Charter Schools regarding specific legislation that would impact charter growth and our funding.
  - Specific legislation that we are tracking closely includes a bill that would scoop back the PPP loan, changes to nursing certification requirements, charter expansion (does not directly impact us), and any potential changes to the funding formula.

### **Facility Updates**

- With the return to more families choosing in-person instruction, but with the limitations to transportation, we continue to challenge our roadways and our neighborhoods with more cars than any of us would like. We are hopeful that potential changes in bus guidance will bring fewer cars to our campuses.
- **Current portfolio:**

- **291 Broad St. (ES1):** N/A.
- **52 Broad St. (ES2):** N/A.
- **3 Fairlawn Way (UES):** N/A.
- **909 Lonsdale Ave. (JHS):** Investigating potential capital investments to support an estimated 50 additional scholars enrolling in a year and a half (the final wave of larger enrollment from ES3, currently in 5th grade)
- **3357 Mendon Rd:** Investigating potential HVAC system upgrades in response to COVID using ESSER funds.
- **65 Macondray Street (HS):** N/A
- **7 Fatima Drive (Network Support Team):** N/A.
- **Other:** We continue to pursue other real estate opportunities to best support our mission, within the budget constraints with which we are operating.

# Coversheet

## Finance Director Report

<b>Section:</b>	II. Recurring Items
<b>Item:</b>	B. Finance Director Report
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	February 2021 Budget to Actual.pdf February 2021 Board Dashboard.pdf February 2021 Balance Sheet.pdf



# Blackstone Valley Prep, A Rhode Island Mayoral Academy

## Monthly Reporting

Feb-21

	Fiscal 2020				
	Approved Budget	Additional Grant Funding	Through 2/28/2021	Under/(Over) Budget	
REVENUE					
Total Public Funding Entitlement Revenue	\$ 32,053,059	\$ 870,903	\$ 22,294,476	\$	9,758,583
Total Development Revenue	\$ 419,250	\$ -	\$ 110,750	\$	308,500
Total Other Revenue	\$ 3,856,364	\$ -	\$ 515,500	\$	3,340,864
TOTAL REVENUE	\$ 36,328,673	\$ 870,903	\$ 22,920,725	\$	13,407,947
EXPENSES					
Personnel Expenses					
Salaries	\$ 18,750,728	\$ 55,261	\$ 10,586,329	\$	8,164,399
Total Program Incentives	\$ 770,595	\$ 136,259	\$ 513,666	\$	256,929
Total Fringe Benefits	\$ 4,873,798	\$ 15,425	\$ 2,725,567	\$	2,148,231
Total Personnel	\$ 24,395,122	\$ 206,945	\$ 13,825,562	\$	10,569,559
Non Personnel Expenses					
Total Professional Development	\$ 199,632	\$ -	\$ 182,051	\$	17,582
Total Special Education Services	\$ 1,085,827	\$ -	\$ 646,440	\$	439,387
Total Medical	\$ 29,230	\$ -	\$ 1,000	\$	28,230
Total Business Services	\$ 444,979	\$ -	\$ 251,972	\$	193,007
Total Building and Office	\$ 3,400,091	\$ 33,250	\$ 1,353,948	\$	2,046,142
Total Instructional	\$ 1,227,006	\$ 39,441	\$ 370,533	\$	856,473
Total Other	\$ 150,119	\$ -	\$ 108,418	\$	41,701
Total Non-Personnel Expenses	\$ 6,536,884	\$ 72,691	\$ 2,914,362	\$	3,622,522
Facilities Expenses					
Total Rent	\$ 3,176,609	\$ -	\$ 1,780,551	\$	1,396,058
Total Cost of Occupancy	\$ 450,173	\$ -	\$ 186,736	\$	263,438
Total Repairs and Maintenance	\$ 565,384	\$ 38,768	\$ 217,332	\$	348,052
Total Facilities Expenses	\$ 4,192,166	\$ 38,768	\$ 2,184,619	\$	2,007,548
Total Non-Capital Expenses	\$ 35,124,172	\$ 318,404	\$ 18,924,543	\$	16,199,629
Capital Expenses					
Total Technology	\$ 630,877	\$ 552,500	\$ 665,188	\$	(34,311)
Total Furniture, Fixtures and Equipment	\$ 88,632	\$ -	\$ 64,059	\$	24,573
Total Capital Expenditures	\$ 125,000	\$ -	\$ 509,966	\$	(384,966)
Total Capital Expenses	\$ 844,509	\$ 552,500	\$ 1,239,212	\$	(394,703)
TOTAL EXPENSES	\$ 35,968,681	\$ 870,904	\$ 20,163,755	\$	15,804,926
CHANGE IN NET ASSETS	\$ 359,991	\$ (1)	\$ 2,756,970		

<b>Public Funding Entitlements</b>					
Unrestricted Grants-in-Aid - State Sources	\$	20,180,052	\$	13,833,326	\$ 6,346,726
Tuition from Other Districts	\$	9,533,527	\$	7,039,908	\$ 2,493,619
<i>Per Pupil Allotment in District Funding</i>	\$	29,713,579	\$	20,873,234	\$ 8,840,344
Federal Title I	\$	745,271	\$	341,638	\$ 403,633
Title IIA	\$	137,889	\$	57,101	\$ 80,788
Title III	\$	23,613	\$	4,835	\$ 18,778
Title IV	\$	87,226	\$	46,147	\$ 41,079
Special Education IDEA Federal Funding	\$	540,651	\$	224,719	\$ 315,932
Substitute Grant	\$	0	\$	63,712	\$ (29,844)
Erate Revenue	\$	18,000	\$	0	\$ 18,000
High End SPED Categorical	\$	3,355	\$	0	\$ 3,355
ESSER Grant	\$	660,508	\$	367,996	\$ (367,996)
CLSD Grant	\$	287,368	\$	41,683	\$ 245,686
SAIL/NSSI Summer Program	\$	146,683	\$	105,000	\$
English Learner Grant	\$	66,107	\$	0	\$ 66,107
<i>Restricted Grants-in-Aid from Fed via the State</i>	\$	1,909,480	\$	870,903	\$ 1,218,962 \$ 690,518
Restricted Grants in Aid Direct from Federal Govt		0		0	\$ -
Restricted Grants-in-Aid from Fed via the State		0		0	\$ -
<i>Total Federal Charter School Startup Grant</i>	\$	-	\$	-	\$ -
Medicaid Reimbursement	\$	430,000	\$	202,279	\$ 227,721
Restricted Grants In Aid-State Sources		0		0	\$ -
Total Public Funding Entitlementment Revenue	\$	32,053,059	\$	870,903	\$ 22,294,476 \$ 9,758,583
<b>Development</b>					
Contributions & Donations from Private Sources	\$	419,250	\$	110,750	\$ 308,500
Non-Cash Contris from Private Sources		0		0	\$ -
Other Grants		0		0	\$ -
In Kind Contributions - Rent		0		0	\$ -
Restricted Grants-Intermediate Sources		0		0	\$ -
Total Development Revenue	\$	419,250	\$	-	\$ 110,750 \$ 308,500
Earnings on Investments	\$	17,550	\$	8,971	\$ 8,579
Food Service - State Matching Funds		0	\$	-	\$ -
Food Service - School Breakfast Reimbursement		0	\$	-	\$ -
Food Service Sales - School Lunch Programs		0	\$	-	\$ -
Food Service Sales - School Breakfast Programs		0		0	\$ -
Athletic Gate Receipts		0	\$	1,600	\$ (1,600)
Book Store & Local Sales/Rental	\$	8,161	\$	1,039	\$ 7,121
Other Fees		0		0	\$ -
Rental Income (Fields/Pools/Buildings)	\$	16,000	\$	4,000	\$ 12,000
Refund of Prior Year Expenditures	\$	5,600	\$	9,804	\$ (4,204)
Food Service Reimbursements		0	\$	197,368	\$ (197,368)
Sale of Personal and Real Property		0		0	\$ -
Loan		0	\$	292,717	\$ (292,717)
Miscellaneous		0	\$	-	\$ -
In Kind - Business Services		0		0	\$ -
Use of Prior Year Surplus Funds	\$	3,809,053		0	\$ 3,809,053
Total Other Revenue	\$	3,856,364	\$	-	\$ 515,500 \$ 3,340,864
<b>TOTAL REVENUE</b>	\$	<b>36,328,673</b>	\$	<b>870,903</b>	\$ <b>22,920,725</b> \$ <b>13,407,947</b>

Salaries								
Salaries	\$	18,605,599		\$	10,423,476	\$	8,182,123	
Substitutes	\$	145,129	\$	55,261	\$	162,853	\$	(17,724)
Total Salaries	\$	18,750,728	\$	55,261	\$	10,586,329	\$	8,164,399

Program Incentives								
Professional Development-School	\$	17,000		\$	-	\$	17,000	
Tutoring - Sat Opp Days, HW Club	\$	83,510		\$	6,473	\$	77,038	
Curriculum Development				\$	365	\$	(365)	
Extra Time - Clubs, Child Care, etc.	\$	24,120		\$	15,360	\$	8,760	
Sick Leave Bonus	\$	158,600		\$	42,350	\$	116,250	
Bonuses	\$	171,125		\$	183,500	\$	(12,375)	
Summer Opportunity School Stipends	\$	110,000	\$	49,000	\$	158,003	\$	(48,003)
Academic Stipends	\$	168,500	\$	87,259	\$	98,616	\$	69,884
Stipend - Athletic Coaches/Extra Curricular Advisors	\$	37,740		\$	9,000	\$	28,740	
Total Incentives	\$	770,595	\$	136,259	\$	513,666	\$	256,929

Fringe Benefits								
Health and Medical Premiums	\$	2,032,886		\$	1,203,744	\$	829,143	
Life	\$	121,293		\$	75,038	\$	46,255	
Dental	\$	102,601		\$	55,277	\$	47,324	
Other Insurance	\$	-		\$	-	\$	-	
Medical Buyback Payments	\$	119,239		\$	53,570	\$	65,669	
FICA	\$	1,209,268	\$	12,948	\$	663,405	\$	545,863
Medicare	\$	282,813	\$	2,477	\$	156,026	\$	126,786
401k Contributions	\$	647,191		\$	366,988	\$	280,203	
Unemployment Insurance	\$	244,120		\$	74,131	\$	169,988	
Workers Compensation Premium	\$	60,388		\$	53,921	\$	6,466	
FSA Contributions	\$	54,000		\$	23,466	\$	30,534	
Total Fringe Benefits	\$	4,873,798	\$	15,425	\$	2,725,567	\$	2,148,231
TOTAL PERSONNEL	\$	24,395,121.58	\$	206,945.00	\$	13,825,562.49	\$	10,569,559.09

Professional Development								
Tuition Reimbursement - Non Taxable	\$	64,350		\$	52,990	\$	11,360	
Mentoring	\$	-		\$	-	\$	-	
Professional Development and Training Services	\$	41,595		\$	120,597	\$	(79,002)	
Curriculum Development	\$	10,000		\$	3,590	\$	6,410	
Conferences / Workshops	\$	55,460		\$	4,203	\$	51,257	
Catering	\$	17,453		\$	504	\$	16,948	
Employee Travel - Non-Teachers	\$	5,075		\$	80	\$	4,995	
Employee Travel - Teachers	\$	5,700		\$	86	\$	5,614	
Travel-Other		0		\$	-	\$	-	
Total Professional Development	\$	199,632	\$	-	\$	182,051	\$	17,582

Special Education Services								
Administrative Support		0		\$	-	\$	-	
Speech Therapists	\$	81,500		\$	132,493	\$	(50,993)	
Occupational Therapists	\$	32,250		\$	1,642	\$	30,609	
Psychologist	\$	5,100		\$	10,962	\$	(5,862)	
Translation	\$	6,477		\$	820	\$	5,657	
Physical Therapists	\$	15,050		\$	8,925	\$	6,125	
Evaluations	\$	6,450		\$	-	\$	6,450	
Tutoring Services	\$	-		\$	-	\$	-	
Student Assistance		0		\$	-	\$	-	
Consultants, Special Education Services	\$	39,000		\$	10,320	\$	28,680	
Instructional Teachers	\$	-		\$	-	\$	-	
Tuition - Out of District	\$	900,000		\$	481,279	\$	418,721	
Total Special Education Services	\$	1,085,827	\$	-	\$	646,440	\$	439,387

Medical					
Health Service Providers-For Students		0	\$	-	\$ -
Physicians	\$	2,517	\$	1,000	\$ 1,517
Dentists	\$	2,526	\$	-	\$ 2,526



Contracted Nursing Services (savings in Salary Line)	\$	24,188		\$	-	\$	24,188
Consultants, Business Services		0		\$	-	\$	-
Total Medical	\$	29,230	\$	-	\$	1,000	\$ 28,230

**Business Services**

Auditing/Actuarial Services	\$	53,040		\$	55,645	\$	(2,605)
Legal Services	\$	51,000		\$	16,948	\$	34,053
Pension Advisors	\$	10,000		\$	9,448	\$	553
Other Services	\$	28,005		\$	2,000	\$	26,005
Medicaid Claims Provider	\$	43,969		\$	24,985	\$	18,984
Data Processing Services	\$	82,774		\$	40,463	\$	42,312
Other Technical Services	\$	132,416		\$	56,668	\$	75,748
Other Charges	\$	43,775		\$	45,817	\$	(2,042)
Total Business Services	\$	444,979	\$	-	\$	251,972	\$ 193,007

<b>Building and Office</b>					
Shipping and Postage	\$	16,916	\$	5,088	\$ 11,828
Rubbish Disposal Services	\$	75,370	\$	41,143	\$ 34,228
Snow Plowing Services	\$	65,541	\$	42,563	\$ 22,979
Custodial Services	\$	449,848	\$	192,075	\$ 257,772
Rodent and Pest Control Services	\$	8,559	\$	3,175	\$ 5,384
Telephone	\$	13,835	\$	11,532	\$ 2,302
Wireless Communications	\$	183,630	\$	119,352	\$ 64,278
Internet Connectivity	\$	43,726	\$ 29,800	\$ 65,597	\$ (21,870)
Rental of Equipment and Vehicles	\$	177,699	\$	113,140	\$ 64,560
Transportation Contractors	\$	2,190,955	\$	338,078	\$ 1,852,877
Property and Liability Insurance	\$	103,897	\$	120,129	\$ (16,232)
Student Accident Insurance	\$	10,900	\$	9,694	\$ 1,206
Errors & Omissions Ins (Dir & Officers)	\$	11,758	\$	-	\$ 11,758
Advertising Costs	\$	10,404	\$ 3,450	\$ 3,116	\$ 7,288
Printing	\$	23,639	\$	1,218	\$ 22,420
Food Service Expense		0	\$	284,768	\$ (284,768)
Food Service Contractors	\$	13,415	\$	3,282	\$ 10,133
Total Building and Office	\$	3,400,091	\$ 33,250	\$ 1,353,948	\$ 2,046,142
<b>Instructional</b>					
Testing	\$	10,750	\$	3,086	\$ 7,664
Virtual Classroom		0	\$	-	\$ -
General Supplies and Materials	\$	376,162	\$	152,338	\$ 223,824
Web Based Supplemental Inst. Programs	\$	23,000	\$ 39,441	\$ 61,487	\$ (38,487)
Running Start Tuition	\$	85,680	\$	12,211	\$ 73,469
Uniform/Wearing Apparel Supplies	\$	8,550	\$	565	\$ 7,985
Medical Supplies	\$	176,300	\$	3,984	\$ 172,316
Athletic Supplies	\$	5,000	\$	898	\$ 4,103
Honors/Awards Supplies	\$	42,079	\$	18,812	\$ 23,266
Other Supplies		0	\$	-	\$ -
Custodial Supplies	\$	463,459	\$	103,062	\$ 360,396
Textbooks		0	\$	11,537	\$ (11,537)
Library Books	\$	20,703	\$	-	\$ 20,703
Reference Books		0	\$	-	\$ -
Textbooks	\$	10,200	\$	2,464	\$ 7,736
Subscriptions and Periodicals	\$	5,124	\$	90	\$ 5,034
Total Instructional	\$	1,227,006	\$ 39,441	\$ 370,533	\$ 856,473
<b>Other</b>					
Officials/Referees	\$	12,000	\$	-	\$ 12,000
Police/Rescue Detail		0	\$	-	\$ -
Other Dues and Fees	\$	107,333	\$	106,407	\$ 926
Bank Fees	\$	7,140	\$	2,079	\$ 5,061
License & Permit Fees	\$	2,165	\$	65	\$ 2,100
Injury Fund		0	\$	-	\$ -
Interest		0	\$	-	\$ -
Real & Personal Property Tax Payment	\$	21,481	\$	-	\$ 21,481
Other Miscellaneous Expenses		0	\$	(133)	\$ 133
Loan Payment - CSGF		0	\$	-	\$ -
Credit Card Transactions		0	\$	-	\$ -
Total Other	\$	150,119	\$ -	\$ 108,418	\$ 41,701
TOTAL NON-PERSONNEL	\$	6,536,884	\$ 72,691	\$ 2,914,362	\$ 3,622,522

Other								
Rental Expense	\$	2,226,329		\$	1,267,634	\$	958,695	
Lease Obligations - Principal	\$	667,689		\$	512,917	\$	154,772	
Lease Obligations - Interest	\$	282,591		\$	-	\$	282,591	
Total Rental	\$	3,176,609	\$	-	\$	1,780,551	\$	1,396,058

Cost of Occupancy								
Water	\$	22,180		\$	7,624	\$	14,556	
Sewage/Cesspool	\$	39,882		\$	23,169	\$	16,713	
Other Purchased Property Services		0		\$	-	\$	-	
Alarm and Fire Safety Services	\$	22,902		\$	14,413	\$	8,489	
Moving	\$	48,000		\$	6,171	\$	41,829	
Inspections	\$	4,896		\$	-	\$	4,896	
Natural Gas	\$	73,720		\$	35,048	\$	38,672	
Electricity	\$	238,594		\$	100,311	\$	138,283	
Total Cost of Occupancy	\$	450,173	\$	-	\$	186,736	\$	263,438

Repairs and Maintenance								
Repairs & Maintenance	\$	20,400		\$	-	\$	20,400	
Maintenance and Repairs - Fixtures and Equipment	\$	19,995		\$	4,431	\$	15,564	
Maintenance and Repairs - General	\$	105,788		\$	138,401	\$	(32,614)	
Maintenance and Repairs - Technology-Related Hardwa	\$	211,405	\$	38,768	\$	58,296	\$	153,109
Maintenance and Repairs - Electrical	\$	14,094		\$	5,107	\$	8,987	
Maintenance and Repairs - Plumbing	\$	193,702		\$	11,097	\$	182,606	
Total Repairs and Maintenance	\$	565,384	\$	38,768	\$	217,332	\$	348,052
						\$	-	
TOTAL FACILITY EXPENDITURES	\$	4,192,166	\$	38,768	\$	2,184,619	\$	2,007,548

Technology								
Technology-Related Supplies	\$	19,164	\$	196,500	\$	58,955	\$	(39,791)
Technology-Related Hardware	\$	543,645	\$	198,000	\$	380,661	\$	162,984
Technology Software	\$	68,068	\$	158,000	\$	225,572	\$	(157,504)
Total Technology	\$	630,877	\$	552,500	\$	665,188	\$	(34,311)

Furniture, Fixtures and Equipment								
Equipment	\$	43,821		\$	18,792	\$	25,030	
Furniture and Fixtures	\$	44,811		\$	45,267	\$	(457)	
Total Furniture, Fixtures and Equipment	\$	88,632	\$	-	\$	64,059	\$	24,573

Capital Improvements/Depreciation								
Building	0		\$	-	\$	-		
Depreciation - Building Improvements	0		\$	128,619	\$	(128,619)		
Depreciation - B+C13Buildings	0		\$	267,609	\$	(267,609)		
Depreciation - Equipment	0		\$	4,501	\$	(4,501)		
Depreciation - Furniture and Fixtures	0		\$	38,273	\$	(38,273)		
Depreciation - Technology-Related Hardware	0		\$	69,059	\$	(69,059)		
Depreciation - Technology Software	0		\$	655	\$	(655)		
Building Improvements/Capital Expenditures	\$	125,000		\$	1,250	\$	123,750	
Total Capital Expenditures	\$	125,000	\$	-	\$	509,966	\$	(384,966)

## Contra Accounts (Fixed Assets)

Interest - Contra

Total Contra Accounts (Fixed Assets)

TOTAL TECHNOLOGY AND CAPITAL EXPENDITURES

**TOTAL EXPENSES****Change in Net Assets****School Holdings I Activity****Revenue**

Rental Revenue (SH1)

Total Revenue

**Expenses**

Depreciation Land Improve

Depreciation - Building

Prepaid Rental Expense

Interest Expense - SH1

Total Expenses

Change in Net Assets (SH1)

Combined Net Assets

		0		\$	-		
	\$	-	\$	-	\$	-	\$ -
	\$	844,509	\$	552,500	\$	1,239,212	\$ (394,703)
<b>TOTAL EXPENSES</b>	\$	35,968,681	\$	870,904	\$	20,163,755	\$ 15,804,926
<b>Change in Net Assets</b>	\$	359,991	\$	(1)	\$	2,756,970	

Rental Revenue (SH1)	\$	251,813
Total Revenue	\$	251,813
Depreciation Land Improve	\$	4,894
Depreciation - Building	\$	121,624
Prepaid Rental Expense	\$	-
Interest Expense - SH1	\$	161,035
Total Expenses	\$	287,553
Change in Net Assets (SH1)	\$	(35,740)
Combined Net Assets	\$	2,721,230



# Blackstone Valley Prep - Financial Performance Dashboard

02/28/21

Revenues and Expenditures	YTD Actual as 2/28/2021	Budget 2021
<b>Revenues</b>		
Public Funding Entitlement Revenue	\$ 22,294,476	\$ 32,053,059
Development Revenue	\$ 110,750	\$ 419,250
Other Revenue	\$ 767,313	\$ 3,856,364
<b>Total Revenue</b>	<b>\$ 23,172,539</b>	<b>\$ 36,328,673</b>
<b>Expenses</b>		
Personnel	\$ 13,825,562	\$ 24,395,122
Non-Personnel Expenses	\$ 2,914,362	\$ 6,536,884
Facilities Expenses	\$ 2,184,619	\$ 4,192,166
Capital Expenses	\$ 1,526,765	\$ 844,509
<b>Total Expenses</b>	<b>\$ 20,451,308</b>	<b>\$ 35,968,681</b>
<b>Net Surplus/(Deficit)</b>	<b>\$ 2,721,230</b>	<b>\$ 359,991</b>
<b>Financial Position</b>		
	<b>Total As of 2/28/2021</b>	<b>Total As of 2/28/2020</b>
<b>Assets</b>		
Cash	\$ 10,026,485	\$ 7,216,709
Receivables	\$ 4,602,344	\$ 2,132,316
Other Current Assets	\$ 953,927	\$ 908,406
Fixed Assets	\$ 26,596,665	\$ 23,853,404
Accumulated Depreciation	\$ (3,233,691)	\$ (2,181,046)
<b>Assets Total</b>	<b>\$ 38,945,730</b>	<b>\$ 31,929,789</b>
<b>Liabilities</b>		
Short Term	\$ 2,504,318	\$ 2,320,894
Long Term	\$ 26,511,876	\$ 20,626,174
<b>Liabilities Total</b>	<b>\$ 29,016,194</b>	<b>\$ 22,947,067</b>
<b>Net Assets</b>	<b>\$ 9,929,536</b>	<b>\$ 8,982,721</b>
<b>Liabilities + Fund Balance</b>	<b>\$ 38,945,730</b>	<b>\$ 31,929,789</b>

Per Pupil Amounts	2/28/2021	2/28/2020
PPA YTD Revenue	\$ 10,660.80	\$ 11,037.67
PPA YTD Revenue - Fundraising	\$ 51.51	\$ 63.08
PPA YTD Expenses	\$ 9,378.49	\$ 10,308.87

Financial Performance Ratios	Current	Target	Benchmark
<b>Current Ratio (Current Assets/Current Liabilities)</b>			
Current Assets	\$ 12,349,065		
Current Liabilities	\$ 2,504,318		
<b>Current Ratio</b>	<b>4.93</b>	Exceeds	= > than 1
<b>Unrestricted Days Cash</b>			
Total Cash Available (at end of period)	\$ 10,026,485		
Total Projected Expenses	\$ 35,968,681		
Total days of the year	365		
<b>Days Cash on Hand</b>	<b>101.75</b>	Exceeds	= > than 60
<b>Debt to Asset Ratio (Total Liabilities/Total Assets)</b>			
Total Liabilities	\$ 29,016,194		
Total Assets	\$ 38,945,730		
<b>Debt to Asset Ratio</b>	<b>0.75</b>	Exceeds	< than .9
<b>Statement of Cash Flows</b>			
<b>Beginning Cash</b>		\$ 9,354,688	
Projected Cash Receipts from Operations		\$ 2,864,482	
Projected Cash Disbursements from Operations		\$ (2,549,103)	
Net Cash from Operations		\$ 9,670,067	
Cash Receipts from Accounts Receivable		\$ 367,997	
Change in Current Assets		\$ (961)	
Capital Expenditures		\$ (17,185)	
Change in Depreciation		\$ 107,052	
Change in Accounts Payable		\$ (42,679)	
Change in Current Liabilities		\$ (51)	
Change in Long-term Liabilities		\$ (57,755)	
Change in Net Assets		\$ -	
<b>Ending Cash Balance</b>		<b>\$ 10,026,485</b>	

Contributions	# of Donations	% of Donations
Family Giving	62	4.1%
Board	4	33.3%
Staff	25	8.3%
FLC Funds Raised (net of expenses)	-	



# Blackstone Valley Prep

## Balance Sheet

Assets		6/30/2020	2/28/2021
10001	Cash	\$ 690,950	\$ 296,656
10002	Cash Bank RI Savings	\$ 6,565,509	\$ 9,074,138
10003	Cash Bank RI Checking 2	\$ 37,487	\$ 43,460
10006	Cash - Paypal Account	\$ 1,901	\$ 1,901
10007	Cash - Bristol County Savings	\$ 201,238	\$ 201,455
10008	Cash - Food Service Account	\$ 3,321	\$ 33,629
10010	Cash - P3 Loan	\$ 2,615,560	\$ 375,247
<b>Cash Total</b>		<b>\$ 10,115,966</b>	<b>\$ 10,026,485</b>
12001	Accounts Receivable	\$ 1,293,680	\$ 3,624,348
12004	Accounts Receivable-Other	\$ 681,347	\$ 977,996
<b>Receivables Total</b>		<b>\$ 1,975,027</b>	<b>\$ 4,602,344</b>
10004	US Trust Account	\$ 302,916	\$ 302,992
10009	Self Help Security Deposit	\$ 75,026	\$ 75,076
16001	Security Deposit	\$ 177,601	\$ 177,601
16100	CARA Account - ES1	\$ 13,500	\$ 20,700
15001	Prepaid Insurance	0	0
15002	Prepaid Rent	\$ 196,917	\$ 196,917
15002-1	Prepaid Rent - SH1	\$ (186,669)	\$ (186,669)
15003	Prepaid Worker's Comp Insurance	\$ 24,216	\$ 24,216
15011	Prepaid Expenses	\$ 370,387	0
16300	Other Assets	\$ 343,094	\$ 343,094
<b>Other Current Assets Total</b>		<b>\$ 1,316,988</b>	<b>\$ 953,927</b>
18002	Land Imp/Playground	0	0
18002-1	Land Imp/Playground - SH1	\$ 131,836	\$ 131,224
18004	Building	\$ 15,655,107	\$ 15,655,107
18004-1	Building - SH1	\$ 5,691,994	\$ 5,691,994
18006	Building Improvements/Project fund	\$ 1,033,661	\$ 1,404,191
18006-1	Building Improvements/Project fund - SH1	\$ 113,271	\$ 113,271
18008	Accounting Software	\$ 9,825	\$ 9,825
18010	Computers	\$ 302,698	\$ 302,698
18012	Furniture	\$ 429,390	\$ 364,087
18016	Equipment	\$ 59,021	\$ 59,021
18018	Construction in Progress	\$ 2,865,246	\$ 2,865,246
<b>Fixed Assets Total</b>		<b>\$ 26,292,049</b>	<b>\$ 26,596,665</b>
18003	Accum Depreciation - Land Imp/Playground	0	0
18003-1	Accum Depreciation - Land Imp/Playground - SH1	\$ (45,709)	\$ (49,992)
18005	Accum Depreciation - Buildings - HS	\$ (401,413)	\$ (669,022)
18005-1	Accum Depreciation Building SH1	\$ (1,331,528)	\$ (1,428,827)
18007	Accum Depr Building Impr/project fund	\$ (379,473)	\$ (481,904)
18007-1	Accum Depr Building Impr/project fund- SH1	\$ (120,016)	\$ (120,016)
18009	Accum Depr Software	\$ (2,750)	\$ (3,405)

18011	Accum Depr Computers	\$	(120,563)	\$	(189,622)
18013	Accum Depr Furniture	\$	(275,617)	\$	(248,587)
18017	Accum Depreciation Equipment	\$	(37,817)	\$	(42,318)
Accumulated Depreciation Total		\$	(2,714,884)	\$	(3,233,691)
<b>Subtotal Assets</b>		\$	<b>36,985,146</b>	\$	<b>38,945,730</b>
Liabilities					
20001	Accounts Payable	\$	610,342	\$	515,778
20002	Accounts Payable - Credit Card		0		0
Payables Total		\$	610,342	\$	515,778
21001	Accrued Payroll Wages	\$	1,286,318	\$	0
21002	Accrued Payroll Taxes	\$	98,403	\$	0
21003	401K Accruals	\$	91,827	\$	55,911
21004	Accrued Expense Payable	\$	2,764	\$	3,952
21005	Federal Withholding	\$	(3,214)	\$	(3,061)
21006	State Withholding Payable	\$	(1,638)	\$	(1,638)
21007	TDI Payable	\$	(311)	\$	(311)
21011	FICA Payable	\$	(2,785)	\$	(2,785)
21012	Medicare Payable	\$	(698)	\$	(698)
21013	Unemployment Payable	\$	(2,128)	\$	(2,128)
21014	Flex Spending Payable	\$	37,228	\$	29,319
21015	Other Employee Withholding	\$	(491)	\$	(491)
19200	Due to State of RI	\$	660,508		0
23001	Deferred Income	\$	-	\$	1,730,697
25002	HS Chromebook deposits	\$	7,355	\$	7,355
24100	Food Service - Other Liabilities	\$	114,766	\$	147,622
24001	Other Liabilities (5k, FLC, Student Activity Accts)	\$	23,574	\$	24,797
Other Current Liabilities Total		\$	2,311,478	\$	1,988,541
25001-1	Loan - School Holdings 1 - #1	\$	3,202,945	\$	3,156,481
25002-1	Loan - School Holdings I - 2	\$	740,712	\$	720,722
18400	Deferred Financing Fees	\$	(344,893)	\$	(344,893)
18600	Accumulated Amortization	\$	958	\$	958
25006	P3 Loan	\$	4,184,300	\$	4,184,300
25005	Macondray Street Mortgage	\$	15,716,501	\$	15,529,442
25003	CSGF Loans	\$	860,000	\$	860,000
25004	Accrued Interest CSGF	\$	29,311	\$	29,311
25007	Blue Hub Loan	\$	2,455,874	\$	2,375,555
26001	Capital Lease		0		0
Long-Term Liabilities Total		\$	26,845,707	\$	26,511,876
<b>Subtotal Liabilities</b>		\$	<b>29,767,527</b>	\$	<b>29,016,194</b>
Equity					
31300-1	Contributed Capital	\$	343,094	\$	343,094
Net Assets					
31010	Change in Net Assets	\$	7,339,433	\$	7,252,811
31500	Change in Net Assets - Food Service			\$	(137,719)
31010-1	Change in Net Assets - SH1	\$	(201,360)	\$	(249,880)
Total Current Surplus/Deficit		\$	(263,547)	\$	2,721,230
<b>Total Equity</b>		\$	<b>7,217,619</b>	\$	<b>9,929,536</b>

# Coversheet

## Amendments to By-laws

<b>Section:</b>	III. Previous Business Items
<b>Item:</b>	A. Amendments to By-laws
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	BVP By Laws Recommended Changes 042621.pdf



**RHODE ISLAND MAYORAL ACADEMY<sup>SM</sup>  
BLACKSTONE VALLEY**

**BYLAWS**

**ARTICLE I**

**NAME OF CORPORATION**

The name of the corporation is Rhode Island Mayoral Academy<sup>SM</sup> Blackstone Valley (hereinafter “BVP”).

**ARTICLE II**

**PURPOSES AND POWERS**

**SECTION 1. PURPOSES.** BVP is organized exclusively to encourage or foster charitable, educational and scientific purposes or activities within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), to own and operate or provide for the operation of charter public schools and mayoral academies as defined in Rhode Island General Laws § 16-77-2.1 in the Towns of Cumberland and Lincoln and the Cities of Central Falls and Pawtucket, Rhode Island.

BVP may do any and all lawful acts, and may engage in any and all lawful activities which may be appropriate, necessary or desirable for the accomplishment of the aforesaid purposes, subject to its Articles of Incorporation. BVP may not engage, other than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of its educational and charitable purposes.

No part of BVP’s earnings shall inure to the benefit of, or be distributable to, its directors, officers, or other private persons, except that BVP shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth above. BVP shall not carry on propaganda or otherwise attempting to influence legislation, and BVP shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision hereof to the contrary, BVP shall not carry on any activities unless such activity is permitted to be carried on by a corporation (a) exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States internal revenue law), and (b) contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States internal revenue law).

**SECTION 2. POWERS.** Subject to its Articles of Incorporation, BVP shall have such powers as are now or may be granted by the Rhode Island Nonprofit Corporation Act.

### ARTICLE III

#### OFFICES AND REGISTERED AGENT

SECTION 1. PRINCIPAL OFFICE. BVP shall have and continuously maintain a principal office at such place within the State of Rhode Island as the Board of Directors may, from time to time, designate.

SECTION 2. REGISTERED AGENT. BVP shall, at all times, maintain a registered agent at a registered office within the State of Rhode Island.

SECTION 3. CHANGE OF PRINCIPAL OFFICE OR REGISTERED AGENT. The principal office, the registered agent and the registered office of BVP may from time to time be changed by the Board of Directors.

### ARTICLE IV

#### MEMBERS

BVP shall have no members.

### ARTICLE V


#### BOARD OF DIRECTORS

##### SECTION 1. GENERAL POWERS.


The affairs of BVP shall be managed by its Board of Directors.

SECTION 2. NUMBER AND QUALIFICATION OF DIRECTORS. The Board of Directors shall consist of at least one mayor or elected town administrator of a town or city served by the mayoral academy and such other individuals who are residents of or otherwise represent the communities served by the mayoral academy as are appointed by the Board of Directors. The Board of Directors may expand or contract the numbers of members on the Board of Directors at any time.

##### SECTION 3. TERMS OF DIRECTORS.

(a) Expiration. The term of each director shall expire  y 23] provided that the term of a director who was last appointed or reappointed to the Board of Directors within four (4) months before such date in any year shall not expire until such date in the following year

(b) Termination. The term of any director shall terminate if, in the judgment of the Board of Directors, the director has ceased to represent the applicable community.

 SECTION 4. QUORUM. The quorum for the transaction of business by the Board of Directors shall be a majority of the directors then in office.

SECTION 5. RESERVED.

SECTION 6. ANNUAL AND REGULAR MEETINGS. The Board of Directors shall establish a schedule of regular meetings, and shall not meet less than three (3) times in each year. The annual meeting shall be held during the period beginning April 15 and ending July 23 each year.

SECTION 7. CHAIR. At each annual meeting, the Board of Directors shall elect a Chair. Only a member who is a mayor or elected town administrator shall be eligible to Chair the Board of Directors. A Chair shall serve until his or her successor elected and qualified, until he or she ceases to serve on the Board of Directors, or until his or her qualification as mayor or elected town administrator ceases.

The Board of Directors may also elect a Vice Chair to serve in the absence of the Chair; the Vice Chair must be a director but need not be a mayor or elected town administrator. The Vice Chair shall have the powers of the Chair in the absence of the chair.

SECTION 8. SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by the Chair and shall be called by the Chair upon written request of members representing at least two (2) towns or cities.

SECTION 9. POWERS. The Board of Directors shall have the power to:

- (a) elect a Chair as provided in Section 7 of this Article V;
- (b) adopt rules of procedure that are not inconsistent with law, the Articles of Incorporation, and these Bylaws;
- (c) monitor the activities and performance of its mayoral academy; and
- (d) take such other actions as authorized by law.

SECTION 10. NOTICE.

(a) The Board of Directors shall give written notice of its annual and other regular meetings at the beginning of each calendar year. The notice shall include the date, time, and place of the meeting and shall be provided to members of the public upon request, and to the Secretary of State of Rhode Island (the "Secretary of State") at the beginning of each calendar year in accordance with subsection (e) below.

(b) The Board of Directors shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date in accordance with applicable law. The notice shall include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature of the business to be discussed. Copies of the notice shall be maintained by the Board of Directors for a minimum of one (1) year. The Board of Directors may add items for informational purposes only, pursuant to a request, submitted in writing, by a member of the public during any public comment

session. Said informational items may not be voted upon unless they have been posted in accordance with the provisions of this section.

(c) Written public notice shall include, but need not be limited to, posting a copy of the notice at the site of each school facility operated by BVP, and electronic filing of the notice with the Secretary of State pursuant to subsection (e) below; however, nothing contained herein shall prevent the Board of Directors from holding an emergency meeting, upon an affirmative vote of the majority of the members of the Board of Directors when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the Secretary of State pursuant to subsection (e) below and, upon meeting, the Board of Directors shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the issue or issues which created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this section.

(d) Nothing within this section shall prohibit the Board of Directors or the members thereof from responding to comments initiated by a member of the public during a properly noticed open forum even if the subject matter of a citizen's comments or discussions were not previously posted, provided such matters shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official. The Board of Directors shall hold at least two (2) open forum sessions annually. Nothing contained in this subsection requires the Board of Directors to entertain or respond to any topic nor does it prohibit the Board of Directors from limiting comment on any topic at such an open forum session. The Board of Directors and its members shall not use this subsection to circumvent the spirit or requirements of this section.

(e) All notices required by this section to be filed with the Secretary of State shall be electronically transmitted to the Secretary of State in accordance with applicable rules and regulations.

(f) In addition to providing notice to the public as provided above, notice of any special meeting of a Board of Directors shall be given at least forty-eight (48) hours previous thereto by written notice to each member of the Board of Directors by mail, facsimile, or e-mail at his or her address or facsimile machine telephone number as shown by the records of BVP. If mailed, such notice shall be deemed to be delivered the day mail is next delivered after the day when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice is given through the use of a facsimile machine, such notice shall be deemed to be delivered when proof of transmission to the correct facsimile machine is received by the sender of the notice. If notice is given by e-mail, such notice shall be deemed to be delivered when a reply in response thereto or a receipt showing that the e-mail has been delivered is received by the sender of the e-mail. Notice of any special meeting of the Board of Directors may be waived in writing signed by the person or persons entitled to the notice either before or after the time of the meeting

and such waiver may be delivered to the Board of Directors by any means by which notice may be given. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where the member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

SECTION 11. MANNER OF ACTING. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless a greater number is required by statute, these Bylaws or the Articles of Incorporation.

SECTION 12. REMOVAL. A member of the Board of Directors may be removed with or without cause by a vote of a majority of the directors present and voting at a regular or special meeting of the Board of Directors.

SECTION 13. MINUTES. The Board of Directors shall appoint a secretary, who need not be a member of the Board of Directors, and the secretary shall record the minutes of the meeting. A record of all votes, listing how each member voted on each issue shall be made available to the public at BVP's office within two (2) weeks of the date of the vote. Official minutes, when adopted, and until such adoption, unofficial minutes shall be available at the office of BVP within thirty (30) days after the meeting (except to the extent, if any, the minutes relate to matters considered in executive session and the Board of Directors votes to keep such minutes closed pursuant to R.I.G.L. §§ 42-46-4 and 42-46-5, and except when the Board of Directors votes to extend the time for filing the minutes and publicly states the reason for such extension).

## ARTICLE VI

### OFFICERS


SECTION 1. OFFICERS. The officers of BVP shall be a Chair, an Executive Director, a Secretary, a Treasurer, and such other officers as may be elected by the Board of Directors. Officers whose authority and duties are not prescribed in these Bylaws shall have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the Chair may not serve also serve as Executive Director or Secretary.

SECTION 2. ELECTION AND TERM OF OFFICE. The officers of BVP shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, the election shall be held as soon thereafter as is convenient. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Each officer shall hold office until his or her successor shall have been duly elected and shall have qualified or until his or her death or until he or she shall resign or shall have been removed in the manner hereinafter provided. Election of an officer shall not of itself create contractual rights.

**SECTION 3. REMOVAL.** Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of BVP would be served thereby, but such removal shall be without prejudice to the contractual rights, if any, of the person so removed.

**SECTION 4. CHAIR.** The Chair shall be a member of the Board of Directors. The Chair shall chair all meetings of the Board of Directors and shall discharge such other duties as may be provided by the Board of Directors. Unless the Board otherwise specifies in the resolution establishing a committee, the Chair shall appoint the members of all committees established by the Board. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of BVP or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, the Chair may execute for BVP any contracts, deeds, mortgages, bonds, or other instruments which the Board of Directors have authorized to be executed, and he or she may accomplish such execution either under or without the seal of BVP and either individually or with the Secretary, any Assistant Secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument. The Chair may vote all securities which BVP is entitled to vote except as and to the extent such authority shall be vested in a different officer or agent of BVP by the Board of Directors.

**SECTION 5. VICE CHAIR.** The Vice Chair, if one is elected, shall be a member of the Board of Directors. The Vice Chair shall assist the Chair in the discharge of his or her duties as the Chair may direct and shall perform such other duties as from time to time may be assigned to him or her by the Chair or by the Board of Directors. In the absence of the Chair or in the event of his or her inability or refusal to act, the Vice Chair, shall perform the duties of the Chair and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair. Except in those instances in which the authority to execute is expressly delegated to another officer or agent of BVP or a different mode of execution is expressly prescribed by the Board of Directors or these Bylaws, the Vice Chair, or any of them if there are more than one, may execute for BVP any contracts, deeds, mortgages, bonds or other instruments which the Board of Directors has authorized to be executed, and he or she may accomplish such execution either under or without the seal of BVP and either individually or with the Secretary, any Assistant Secretary, or any other officer thereunto authorized by the Board of Directors, according to the requirements of the form of the instrument. If no Vice Chair is elected, the Secretary shall perform these duties.

 **SECTION 6. EXECUTIVE DIRECTOR.** The Executive Director shall be the principal operational officer of BVP. Subject to the direction and control of the Board of Directors, he or she shall be in charge of the business and affairs of BVP; he or she shall see that the resolutions and directives of the Board of Directors are carried into effect except in those instances in which that responsibility is assigned to some other person by the Board of Directors; and, in general he or she shall discharge all duties incident to the office of Executive Director and such other duties as may be prescribed by the Board of Directors.



SECTION 7. SECRETARY. The Secretary shall: (a) record the minutes of the meetings of the Board of Directors in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records and of the seal of BVP; (d) keep a register of the post office address, telephone facsimile machine number, and e-mail address of each director which shall be furnished to the Secretary by such director; and (e) perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Chair or by the Board of Directors.

SECTION 8. TREASURER. The Treasurer shall be the principal accounting and financial officer of BVP. The Treasurer shall: (a) have charge of and be responsible for the maintenance of adequate books of account for BVP; (b) have charge and custody of all funds and securities of BVP, and be responsible therefor, and for the receipt and disbursement thereof; and (c) perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Chair or by the Board of Directors. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Board of Directors shall determine. If no Treasurer is elected, the Executive Director shall perform these duties.

## ARTICLE VII

### CONTRACTS, CHECKS, LOANS, DEPOSITS AND FUNDS

SECTION 1. CONTRACTS. The Board of Directors may authorize any officer or officers, agent or agents of BVP, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of BVP and such authority may be general or confined to specific instances.

SECTION 2. CHECKS, DRAFTS, ETC. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of BVP, shall be signed by such officer or officers, agent or agents of BVP and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer or Executive Director and countersigned by the Chair or Vice-Chair of BVP.

SECTION 3. LOANS. No loans shall be contracted on behalf of BVP and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances. Notwithstanding the foregoing, BVP shall be prohibited from making loans to any director, officer or employee of BVP, any person related to any director, officer or employee of BVP, and any entity in which a director, officer or employee of BVP is a director, officer, shareholder, partner or is otherwise affiliated, except if such affiliation is as a member of a tax-exempt organization to which a loan is contemplated.

SECTION 4. DEPOSITS. All funds of BVP not otherwise employed shall be deposited from time to time to the credit of BVP in such banks, trust companies or other depositories as the Board of Directors may select.

#### ARTICLE VIII

##### BOOKS AND RECORDS

BVP shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and committees, if any, having any of the authority of the Board of Directors.

#### ARTICLE IX

##### FISCAL YEAR

The fiscal year of BVP shall end each June 30.

#### ARTICLE X

##### DISSOLUTION

Upon dissolution of BVP, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of BVP return, transfer or convey any assets received on condition that such assets be returned, transferred, or conveyed in the event BVP be dissolved and dispose of all other assets of BVP exclusively for the purposes of BVP in such a manner, or to such organization(s) engaged in activities substantially similar to those engaged in by BVP and organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization(s) under Section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine.

#### ARTICLE XI

##### SEAL

At the discretion of the Board of Directors, BVP may have a corporate seal in such design as the Board of Directors may specify.

#### ARTICLE XII

##### AMENDMENTS

The power to alter, amend, or repeal these Bylaws or adopt new Bylaws shall be vested in the Board of Directors.



### ARTICLE XIII

RESERVED

### ARTICLE XIV

#### INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS

SECTION 1. VOLUNTARY INDEMNIFICATION OF DIRECTORS. BVP may indemnify any person made a party to any proceeding by reason of the fact that that person is or was a director if the director:

- (a) acted in good faith,
- (b) reasonably believed:
  - (1) In the case of conduct in his or her official capacity with BVP, that his or her conduct was in its best interests, and
  - (2) In all other cases, that his or her conduct was not opposed to its best interests, and
- (c) in the case of any criminal proceeding, had no reasonable cause to believe his or her conduct was unlawful.

BVP may provide indemnification against judgments, penalties, fines, settlements, and reasonable expenses actually incurred by the person in connection with the proceeding; except that if the proceeding was by BVP or in its right, indemnification may be made only against the reasonable expenses and shall not be made in respect of any proceeding in which the person has been adjudged to be liable to BVP. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, is not, of itself, determinative that the person did not meet the requisite standard of conduct set forth in this section.

SECTION 2. LIMITATION ON INDEMNIFICATION WHEN DIRECTOR RECEIVED IMPROPER PERSONAL BENEFIT. BVP shall not indemnify a director under Section 1 of this Article XIV in respect of any proceeding charging improper personal benefit to him or her, whether or not involving action in his or her official capacity, in which he or she has been adjudged to be liable on the basis that personal benefit was improperly received by him or her.

#### SECTION 3. MANDATORY INDEMNIFICATION OF DIRECTORS.

- (a) BVP shall indemnify a director who is wholly successful, on the merits or otherwise, in the defense of any proceeding referred to in Section 1 of this Article XIV against reasonable expenses incurred by the director in connection with the proceeding; and

(b) BVP shall indemnify a director when so ordered by a court of appropriate jurisdiction.

#### SECTION 4. PROCEDURE FOR VOLUNTARY INDEMNIFICATION OF DIRECTORS.

(a) Except as provided in Section 3 of this Article XIV, BVP shall not indemnify a director under Section 1 of this Article XIV unless authorized in the specific case after making a determination that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct described in Section 1 of this Article XIV. The determination shall be made:

(1) By the Board of Directors by a majority vote of a quorum consisting of directors not at the time parties to the proceeding;

(2) If a quorum cannot be obtained, then by a majority vote of a committee of the Board of Directors, duly designated to act in the matter by a majority vote of the full Board of Directors (in which designation directors who are parties may participate), consisting solely of two (2) or more directors not at the time parties to the proceeding; or

(3) By special legal counsel, selected by the Board of Directors or a committee of the Board of Directors by vote as described in subsection (1) or (2) above, or, if the requisite quorum of the full Board of Directors cannot be obtained for the vote and the committee cannot be established, by a majority vote of the full Board of Directors (in which selection directors who are parties may participate).

(b) Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination that indemnification is permissible is made by special legal counsel, authorization of indemnification and determination as to reasonableness of expenses shall be made in a manner specified in Section 4(a)(3) above for the selection of counsel.

SECTION 5. ADVANCE PAYMENT OF EXPENSES. Reasonable expenses incurred by a director who is a party to a proceeding may be paid or reimbursed by BVP in advance of the final disposition of the proceedings upon receipt by BVP of:

(a) A written affirmation by the director of the director's good faith belief that the director has met the standard of conduct necessary for indemnification by BVP as authorized in this section; and

(b) A written undertaking by or on behalf of the director to repay the amount if it is ultimately determined that the director has not met the standard of conduct, and after a determination that the facts then known to those making the determination would not preclude indemnification under this section. The undertaking required by this subsection is an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment. Determinations and

authorizations of payments under this subsection shall be made in the manner specified in Section 4 of this Article XIV.

SECTION 6. PAYMENT OF EXPENSES OF DIRECTORS NOT PARTY TO A PROCEEDING. Nothing contained in this Article XIV limits BVP's power to pay or reimburse expenses incurred by a director in connection with his or her appearance as a witness in a proceeding at a time when he or she has not been named a defendant or respondent in the proceeding.

#### SECTION 7. INDEMNIFICATION OF OFFICERS AND EMPLOYEES.

(a) An officer of BVP shall be indemnified to the same extent provided in Section 4 of this Article XIV for a director and is entitled to the same extent as a director to seek indemnification pursuant to the provisions of Section 4.

(b) BVP may indemnify and advance expenses to its officer, employee, or agent of to the same extent that it may indemnify and advance expenses to directors pursuant to this Article XIV.

SECTION 8. INSURANCE. BVP may purchase and maintain insurance on behalf of any person who is or was its director, officer, employee, or agent, or who, while its director, officer, employee, or agent, is or was serving at BVP's request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise, or employee benefit plan, against any liability asserted against the director and incurred by the director in any capacity or arising out of the director's status as director, whether or not BVP would have the power to indemnify the director against liability under the provisions of this section.

#### SECTION 9. DEFINITIONS. As used in this Article XIV:

(a) "Director" means any person who is or was a director of BVP and any person who, while a director of BVP, is or was serving at BVP's request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, other enterprise, or employee benefit plan. For this purpose, BVP is deemed to have requested a director to service an employee benefit plan whenever the performance by the director of the director's duties to BVP also imposes duties on, or otherwise involves services by, the director to the plan or participants or beneficiaries of the plan; and action taken or omitted by the director regarding an employee benefit plan in the performance of the director's duties for a purpose reasonably believed by the director to be in the interest of the participants and beneficiaries of the plan are deemed to be for a purpose which is not opposed to the best interests of BVP.

(b) "Corporation" includes:

(1) any corporation whether foreign or domestic, and whether a nonprofit or a for profit corporation all of the profits of which go to a nonprofit corporation; and

(2) any domestic or foreign predecessor entity of BVP in a merger, consolidation, or other transaction in which the predecessor's existence ceased upon consummation of the transaction.

(c) "Expenses" include attorneys' fees.

(d) "Official capacity" means:

(1) When used with respect to a director, the office of director in BVP.

(2) (ii) When used with respect to a person other than a director, as contemplated in subsection (1) above, the elective or appointive office in BVP held by the officer or the employment or agency relationship undertaken by the employee or agent on behalf of BVP, but in each case does not include service for any other foreign or domestic corporation or any partnership, joint venture, trust, other enterprise, or employee benefit plan.

(e) "Party" includes a person who was, is, or is threatened to be made, a named defendant or respondent in a proceeding.

(f) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative.

## ARTICLE XV

### CONFLICTS OF INTEREST

SECTION 1. PURPOSE. The purpose of the conflicts of interest policy is to protect BVP's interest when it is contemplating entering into a transaction or arrangement that intended to supplement but not replace any applicable Rhode Island laws governing conflicts of interest applicable to BVP.

SECTION 2. DEFINITIONS. For purposes of this Article XV:

(a) "Interested Person" shall mean any director or principal officer who has a direct or indirect financial interest as defined below.

(b) A person has a "financial interest" if the person has, directly or indirectly through business, investment or family:

(1) an ownership or investment interest in an entity with which BVP has a transaction or arrangement, or

(2) a compensation arrangement with BVP or with any entity or individual with which BVP has a transaction or arrangement, or

(3) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which BVP is negotiating a transaction or

arrangement; provided, however, that a person's ownership of less than one percent (1%) of the capital or profits interests in any entity shall be disregarded if no compensation arrangement exists or is contemplated with such entity.

(c) "Compensation" means direct or indirect remuneration, as well as gifts or favors that are substantial in nature.

### SECTION 3. PROCEDURES.

(a) Duty to Disclose. In connection with any actual or possible conflict of interest, an interested person must disclose the existence and nature of his or her financial interest to the Board of Directors.

(b) Determining Whether a Conflict Exists. After disclosure of a financial interest, the interested person shall leave the Board of Directors meeting while the financial interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

(c) Procedures for Addressing the Conflict of Interest.

(1) The Chair shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to proposed transaction or arrangement.

(2) After exercising due diligence, the Board of Directors or committee shall determine whether BVP can obtain a more advantageous transaction or arrangement with reasonable effort from a person or entity that would not give rise to a conflict of interest.

(3) If a more advantageous transaction is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board of Directors shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in BVP's best interest or for its own benefit and whether the transaction is fair and reasonable to BVP and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

(d) Violation of the Conflict of Interest Policy.

(1) If the Board of Directors has reasonable cause to believe that a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member the opportunity to explain the alleged failure to disclose.

(2) If, after hearing the response of the member and making further investigation as may be warranted in the circumstances, the board determines that the member has in fact failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

SECTION 4. RECORDS OF PROCEEDINGS. The minutes of the Board of Directors shall contain:

(a) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board of Directors' decision as to whether a conflict of interest existed.

(b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement and a record of any votes taken in connection therewith.

SECTION 5. ANNUAL STATEMENTS. Each director and principal officer shall annually sign a statement, which affirms that such person:

(a) has received a copy of the conflicts of interest policy,

(b) has read and understand the policy,

(c) has agreed to comply with such policy, and

(d) understands that BVP is a charitable organization and that in order to maintain its federal tax exemption it must engage primarily in activities, which accomplish one or more of its tax-exempt purposes.

SECTION 6. PERIODIC REVIEWS. To ensure that BVP operates in a manner consistent with its charitable purposes and that it does not engage in activities that could jeopardize its status as an organization exempt from federal income tax, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, consider whether compensation arrangements and benefits, management agreements, and all other similar contractual relationships are reasonable, are a result of arms-length bargaining, reflect reasonable payments for goods and/or services, further BVP's charitable purposes and do not result in inurement or impermissible private benefit.

SECTION 7. USE OF OUTSIDE EXPERTS. In conducting the periodic reviews provided for in Section 6 of this ARTICLE XV, BVP may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of Directors of its responsibility for ensuring that periodic reviews are conducted.

## ARTICLE XVI

### NON-DISCRIMINATION

BVP shall cause each mayoral academy for which it is responsible to admit students of any race, color, national origin, and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the mayoral academy. Neither BVP nor any mayoral academy for which it is responsible shall



discriminate on the basis of race, color, national origin, and ethnic origin in administration of its educational policies, admission policies, scholarship and loan programs, and athletic and other school-administered programs. The requirements of this Article XVI shall be incorporated into each contract BVP enters into with any party for the management or operation of any mayoral academy.

# Coversheet

## Response from RIDOH re: BINAX Now Testing

<b>Section:</b>	III. Previous Business Items
<b>Item:</b>	B. Response from RIDOH re: BINAX Now Testing
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	Binax Rulemaking JC v.2 (1) (1).docx PetitionRuleMakingAnderson (3).pdf



**STATE OF RHODE ISLAND  
DEPARTMENT OF HEALTH**

	:	
<b>In re Blackstone Valley Mayoral Academy,</b>	:	<b>RULEMAKING PETITION</b>
	:	<b>REGARDING BINAXNOW RAPID</b>
	:	<b>TESTING OF STUDENTS IN</b>
	:	<b>SCHOOLS</b>
<b>Petitioner.</b>	:	
	:	

Petitioner Blackstone Valley Prep Mayoral Academy (“BV Prep”) requests that the Rhode Island Department of Health (“RIDOH”) immediately adopt an emergency rule permitting schools within the state of Rhode Island to require either proof of vaccination, proof of having Covid-19 within the last ninety (90) days, or consent to participate in BinaxNOW rapid testing as a condition of participating in in-school attendance. The rule should include a medical exemption, a religious exemption, and any exemption required by federal law, including, but not limited, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, and the Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq.

**PETITIONER**

BV Prep is a mayoral academy organized pursuant to R.I. Gen. Laws §§ 16-77-4-1, et seq., serving more than 2,100 students from kindergarten through grade 12 residing in Central Falls, Cumberland, Lincoln, and Pawtucket. BV Prep employs over 300 persons serving as educators, clinicians, support staff, and administrators and engages with dozens of contractors and consultants.

BV Prep operates six schools, serving more than 2,100 students from kindergarten through grade 12. Of these six schools, three were formerly parochial schools that have been renovated, two are new construction, and one is a former traditional public school that has

been renovated. The age ranges of the schools span from three years in age to more than 100 years in age. None were built with the social distancing requirements of the Covid-19 pandemic in mind.

### **AUTHORITY**

R.I. Gen. Laws § 42-35-6 authorizes BV Prep to petition RIDOH to promulgate a rule.

R.I. Gen. Laws § 42-35-2.10 authorizes the Director of RIDOH and the Governor, or the Governor's designee, to issue emergency rules upon a finding of an imminent peril to the public health, safety, or welfare.

R.I. Gen. Laws § 16-38-2 and § 23-1-18 authorizes the Director of RIDOH to promulgate regulations regarding immunization and communicable disease testing in preschool, school, colleges, or universities, now codified at 216 R.I.C.R. 30-05-3.

### **STATEMENT OF FACTS**

Covid-19 has ravaged the state of Rhode Island. Community spread is a particular problem in Central Falls and Pawtucket, to the degree that the Director of RIDOH has prioritized vaccination of residents of those communities over residents of other communities. According to RIDOH, the percentage of residents in Central Falls who have reported testing positive for Covid-19 is 20.9%, the highest in the state of Rhode Island, and the incidence of Covid-19 per 100,000 in Pawtucket is 13.8%. While the percentages for Cumberland and Lincoln are lower, 10.1% and 10.8% respectively, they are still higher than many other communities in the state. See R.I. Dep't of Health Covid-19 Data Tracker: Geography, <https://ridoh-covid-19-response-geography-site-rihealth.hub.arcgis.com/> (last viewed on Mar. 9, 2021). It should be beyond purview that Covid-19 is an imminent peril to the public health, safety, or welfare.

To combat Covid-19 in the school environment, the Center for Disease Control and Prevention recommends that schools “[s]pace seating/desks at least 6 feet apart when feasible.” Operating Schools during Covid-19: CDC’s Considerations (Mar. 1, 2021), at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html> (last viewed on Mar. 9, 2021). Similarly, RIDOH and the Rhode Island Department of Education (“RIDE”) have stated that “[i]n high schools, occupancy will be based on 6 feet of physical distance between individuals.” Back to School RI: Health and Safety Guidance to Reopen Rhode Island’s Elementary and Secondary Schools 8 (Nov. 6, 2020), available at <https://reopeningri.com/wpcontent/uploads/2020/08/HealthandSafetyReopeningGuidance.pdf> (last viewed on Mar. 9, 2021). Elsewhere, RIDOH and RIDE have stated, “The spacing of desks/tables should be separated 6 feet as much as possible.” Id. at 11.

The Commissioner of Education has repeatedly expressed her desire that students return to in person learning. See, e.g., Infante-Green: There is No Reason Students in Pawtucket Can’t Return to School in Person, available at <https://www.wpri.com/health/coronavirus/school-updates/infante-green-there-is-no-reason-students-in-pawtucket-cant-return-to-school-in-person/> (last viewed on Mar. 9, 2021). BV Prep concurs. BV Prep cannot, however, guarantee that when students return to in-person education they can be at least six feet apart at all times. As is the case with most high schools in Rhode Island, BV Prep also cannot establish stable pods at its high school.

One way to mitigate these physical limitations is through testing. The leadership of the National Institute of Health has stated that testing saves lives, testing can be easy and quick, and testing matters more in the communities affected the most. Nat’l Inst. of Health, Why

COVID-19 Testing Is the Key to Getting Back to Normal (Sept. 4, 2020), available at <https://www.nia.nih.gov/news/why-covid-19-testing-key-getting-back-normal> (last viewed on Mar. 9, 2021).

Administration of the BinaxNOW test is minimally invasive. The BinaxNOW test uses a small swab inserted into the lower part of the nasal cavity. The swab is moved slightly around both nostrils. New At-Home Covid Test a Major Advancement available at <https://www.abbott.com/BinaxNOW-Test-NAVICA-App.html> (last viewed on Mar. 9, 2021).

According to the American Society for Microbiology, the BinaxNOW Covid-19 Ag Card:

is a lateral flow immunoassay that qualitatively detects the presence of the N protein in nasal swab samples. Instrumentation is not needed for this test and all necessary reactions take place on a test card. First, 6 drops of test reagent are added to the top well of the test card. Then, the swab containing the patient sample is inserted into the second well and rotated three times. The card is sealed. Within 15 minutes, a result will be displayed on a paper strip (similar to a pregnancy test) that can be visualized through a small window on the front of the test card.

Am. Soc’y for Microbiologists, How the SARS-CoV-2 EUA Antigen Tests Work (Aug. 31, 2020), available at <https://asm.org/Articles/2020/August/How-the-SARS-CoV-2-EUA-Antigen-Tests-Work> (last viewed on Mar. 9, 2021).

### **RELIEF REQUESTED**

BV Prep requests that RIDOH take the following actions:

1. Issue a new rule codified at 216 R.I.C.R. 30-05-3.5.2(B) that states as follows:

A school offering distance learning may require any student as a condition of in-school attendance to submit at no cost to a BinaxNOW rapid test for Covid-19 unless (1) a student (over the age of eighteen (18)) or the student’s parent provides proof of vaccination for Covid-19; (2) a student (over the age of eighteen (18)) or the student’s

parent provides proof of having Covid-19 within the last ninety (90) days; (3) the student (over the age of eighteen (18)) or the student's parent provides a certificate from a licensed physician that the person is not a fit subject for immunization for medical reasons; (4) the student (over the age of eighteen (18)) or the student's parent provides a certificate stating that testing for Covid-19 is contrary to that person's religious beliefs; (5) the student is exempt from BinaxNOW rapid test for Covid-19 pursuant to any federal law.

2. Adopt any such other rule as the Director of RIDOH deems necessary.

### **CONCLUSION**

In view of the current public health emergency, BV Prep urges that RIDOH immediately adopt an emergency rule permitting any school to require BinaxNOW testing subject to appropriate exceptions.

DATED: March \_\_, 2020

BLACKSTONE VALLEY PREP  
MAYORAL ACADEMY  
By its attorney,

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Jon M. Anderson (#3946)  
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April 9, 2021

Jon Anderson  
Brennan, Recupero, Cascione, Scungio & McAllister, LLP  
362 Broadway  
Providence, RI 02909

RE: Rulemaking Petition Regarding BinaxNOW Rapid Testing of Students in Schools

Dear Jon Anderson,

The Rhode Island Department of Health (“RIDOH”) received your petition for emergency rulemaking to permit schools to require students to provide proof of COVID-19 vaccination, COVID-19 infection within the last ninety (90) days, or consent to participate in BinaxNOW rapid testing, as a condition of participating in in-school attendance. At this time, RIDOH does not accept this petition for rulemaking.

To promulgate an emergency rule, there must be a finding, and published reasons for such finding, that an imminent peril to the public health, safety, or welfare, or the loss of federal funding for an agency program, requires immediate promulgation of the rule<sup>1</sup>. RIDOH agrees that COVID-19 represents a threat to the public health, safety, or welfare, but COVID-19 is not, itself, “imminent peril.” Rather, COVID-19 is the cause of imminent peril. Here, to promulgate the proposed emergency rule, RIDOH would have to find that failure to permit schools to require proof of vaccination, COVID-19 infection within the last ninety (90) days, or consent to BinaxNOW testing as a condition of participating in in-school attendance would result in imminent peril to the public health, safety, or welfare, when the state’s position has long been just the opposite.

In-person schooling has been allowed in Rhode Island since fall 2020 because our data has shown low-risk of children contracting COVID-19, accounting for just 3.6% of all COVID-19 cases in Rhode Island<sup>2</sup>. Additionally, the risk of contracting COVID-19 in a school setting is reduced when other precautions are met, such as social/physical distancing, periodic hand washing or use of hand sanitizer, wearing a cloth face covering, and staying home if one does not feel well. Accordingly, the state’s position has clearly been—and remains—that children may safely participate in in-school attendance without having to prove vaccination, COVID-19 infection within the last ninety (90) days, or consent to BinaxNOW testing. A finding of imminent peril, here, would completely contradict the state’s position.

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<sup>1</sup> R.I. Gen. Laws § 42-35-2.10

<sup>2</sup> <https://ri-department-of-health-covid-19-data-rihealth.hub.arcgis.com/>

In summary, RIDOH cannot and does not find that an imminent peril to the public health, safety, or welfare or the loss of federal funding for an agency program requires immediate promulgation of the proposed emergency rule. RIDOH cannot accept this petition for rulemaking at this time.

Very truly yours,

A handwritten signature in cursive script that reads "Carol Hall-Walker".

Carol Hall-Walker, MPA  
Associate Director of Health  
Division of Community Health Equity

# Coversheet

## Diversity Equity Inclusion Committee Report

**Section:** IV. New Business Items  
**Item:** A. Diversity Equity Inclusion Committee Report  
**Purpose:** Discuss  
**Submitted by:**  
**Related Material:** DEI Committee Update.pdf

**BACKGROUND:**

Draft presentation:

[https://docs.google.com/presentation/d/1J8xe\\_c-YXS7MaKJF9PLxuiUsyh9H7-YcqcySUTWdEXg/edit#slide=id.gcc94e27d77\\_0\\_5](https://docs.google.com/presentation/d/1J8xe_c-YXS7MaKJF9PLxuiUsyh9H7-YcqcySUTWdEXg/edit#slide=id.gcc94e27d77_0_5)





# BVP DEI Committee Report

April 26, 2021



RHODE ISLAND  
MAYORAL ACADEMIES  
*opening schools. opening minds.*

# BVP Diversity Statement

**Blackstone Valley Prep is committed to the academic success, social and emotional growth, and health and wellness of 100% of scholars in an intentionally diverse school that celebrates the racial, ethnic, socioeconomic, ability, religious, gender, and sexual-orientation differences of our scholars, staff, and families by actively engaging in courageous conversations about the value of people's differences; raising awareness of self and society's structural inequities; and empowering all people to engage in an open and honest dialogue with an active voice.**

# Committee Meeting Agenda

1. Brief introduction, “what’s on top?”
2. Committee Discussion Microlabs in pairs
  - a. What brings you to this committee?
  - b. When you think about diversity & equity at BVP, what comes up?
  - c. What are your hopes for what the board can do to support diversity and equity at BVP?
3. Whole group share out debrief: What did you hear that was significant? What key ideas or insights were shared?
4. Representative examples of some organizational challenges related to DEI
5. Review Formally Stated Purpose:
6. Closing and next steps

# Committee Purpose

## **Draft stated purpose:**

- To dive deep on issues related to Diversity and Equity and Inclusion and present recommendations to the full board (recommendations may ultimately include:
  - policy adoptions,
  - board training,
  - strategic plan adoption (review any strategic plan update with lens of DEI)
  - organizational reporting (hold organization accountable for progress on issues related to DEI and eventually the strategic plan; provide a public space for reporting out to the community), and
  - CEO evaluation

# Themes from the discussion

- Many leaders, board members and staff, are white and very much in a learning mode regarding DEI.
  - We need to be intentional about defining the terms Diversity, Equity, and Inclusion
- Many see the issues in our society relating to DEI as truly life and death.
- We are doing many things, many good things, and there is still so much work to do. Equity and inclusion does not happen by accident.
- The board can set a tone that this work is a high priority, and that we move from discussion to solutions and action.
- *We must, at once, be urgent and deliberate.*

# Coversheet

## Athletics Update: Football co-op opportunity

**Section:** IV. New Business Items  
**Item:** B. Athletics Update: Football co-op opportunity  
**Purpose:** Discuss  
**Submitted by:**  
**Related Material:** BVP Athletics Co-op Football Proposal.pdf

**BACKGROUND:**

Draft Presentation:

[https://docs.google.com/presentation/d/1SB4g4XgTdRPehCgmoY\\_Pi88UOGNOYdLdwr\\_7pW71nDU/edit?usp=sharing](https://docs.google.com/presentation/d/1SB4g4XgTdRPehCgmoY_Pi88UOGNOYdLdwr_7pW71nDU/edit?usp=sharing)





# BVP Athletics Department Values

## 4 Pillars:

- Academic Achievement
- Skill Development/Participation
- Life Skills
- Citizenship

Education-Based Athletics are an extension of the classroom and enhance the academic mission of the school.

Develop values of “sports-person-ship”, responsibility, accountability, leadership, and character.





# Brief History of BVP Athletics

- BVPMS1 opened in 2010 and began offering sports in 2011 via a collection of small schools.
- BVPHS opened in 2014 and began offering sports in the Coastal Prep League, a formal league that serves small schools (private, traditional public, public charter)
- BVPHS entered in the RI Interscholastic League in 2016 with Boys Soccer and Girls Basketball.
- BVPHS has had 3 all-state athletes: Bryan Zapata (Boys Swimming), Lucy Noris (Indoor Track) and Xavier Mendez (Boys Basketball)
- Coastal Prep League Champions: Girls Basketball 2015-16, Boys Basketball 2017-18
- First RIIL Championship appearance in 2020-21 - Boys Basketball (Runner-Up)



# Current Sport Offerings 2021-22

## Current Sports Offerings

### Fall

Boys and Girls Soccer  
Boys and Girls Cross Country  
Girls Volleyball (NEW 2021)

**Boys Sports: 8**

**Girls Sports: 9\***

### Winter

Boys and Girls Basketball  
Boys and Girls Indoor Track  
Boys and Girls Swimming  
\* Wrestling (Co-op with CFHS)

### Spring

Boys Baseball  
Boys and Girls Outdoor Track  
Girls Lacrosse (Co-op w/ PCD)

## Future Co-op Considerations with CFHS

Football, Baseball, Softball



# BVP/Central Falls Partnership

Cooperative opportunity aims to provide interscholastic athletic experiences for high school students.

Safe number of athletes to participate effectively

- CFHS currently has about 25-30 student athletes that participate each year.
- The hope is that BVP would provide up to 10-15 student athletes to fill out a roster

47 schools currently participate in Football

3 Co-op teams



# Football Safety Protocols

Concussion Education for all Coaches

Parents Guide to Concussion in Sports

Concussion Forms to be completed by player/family

Impact Testing - Computerized Concussion Assessment Tool

Helmet reconditioning and testing

Athletic Trainer on site for all home events



# Financial Obligations

The City of Central Falls gives priority to Central Falls School Department for all athletic facilities.

Higginson Ave, Macomber Stadium etc.

- Equipment and uniforms are provided by CFHS for up to 50 players
- BVP would provide a pro-rated contribution to CFHS for coaching fees and any marginal costs
- Transportation: BVP would need to provide transportation to Higginson (practices) and CFHS (game days)



# Discussion



# Coversheet

## ESSER Funding

**Section:** IV. New Business Items  
**Item:** C. ESSER Funding  
**Purpose:** Discuss  
**Submitted by:**  
**Related Material:** ESSER Presentation 42621.pdf

### BACKGROUND:

Draft presentation:

<https://docs.google.com/presentation/d/1qHKFJ2rxgi60ROT6t-hLMb4F4okbdNAXpF6MFqswrZY/edit?usp=sharing>



# ESSER Update

Board of Directors Meeting , April 26, 2021





# ESSER Update

- Allocations
- Focus of spending
- BVP Planning
- Suggestions

# Allocations

- ESSER I\*
  - \$660,508
- ESSER II \*\*
  - \$2,451,294
- ESSER III
  - \$5,505,259

\*Equivalent amount removed from our 2020 State Aid allocation in July and August 2020 due to PPP loan

\*\*To be spent before September 30, 2023

# How we are spending ESSER I

- Web-based learning platforms
- Hot spot equipment & service for families in need
- Chromebooks
- Computer Carts
- Chargers & related equipment for Chromebooks
- Tech Support for Families

# RIDE Priorities (LEAP)

## *Learning, Equity, and Accelerated Pathways Report*

1. Energize our school communities— students and educators— by launching a back-to-school campaign and statewide toolkit, with attention to students who are chronically absent, overaged and under credited, and are from low-income or highly-mobile families.
2. Ensure all students have access to high-quality and personalized support from adults, both during the school day and through extended learning, partnerships for before/after school, or summer learning opportunities.
3. Universally screen all students and align resources to need.
4. Improve and support student transitions, across grades and systems.
5. Close the digital divide.

Recommended Spending (floor)

Overall Acceleration Activities – at least 50%

Summer Activities – at least 25%

# Current Planning Ideas

- Extensive Summer Programming
- Leadership and Teaching Fellows
- Tuition Reimbursement encouraging hard to fill areas
- Nursing Fellow
- CIA Math and ELA Fellows
- Principal in Resident & Director of Family Engagement & Empowerment
- Building Subs for each school
- Facilities HVAC upgrades at ES3
- Furniture for possible classroom restructuring due to COVID restrictions
- Mental Health Supports (New staff positions and PD)
- Extensive Field Trips
- Curriculum Investments
- JHS Counseling and Support (and HS matching)
- Recruiter
- Technology Upgrades to support 1:1

# Suggestions

Parent and Family Engagement Strategies

Energizing our Community

Supporting Transitions

Other Areas?