

2013 -- H 5138

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LC00473
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION - PAYMENT FOR PARTICIPATION IN SCHOOL
ACTIVITIES

Introduced By: Representatives Finn, Ruggiero, and Abney

Date Introduced: January 23, 2013

Referred To: House Health, Education & Welfare

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 100

4 PAYMENTS FOR EXTRACURRICULAR ACTIVITIES

5 16-100-1. Short title. -- This act shall be known and may be cited as the "Payment for
6 Participation in School Activities Act of 2013."

7 16-100-2. Findings of fact. -- The general assembly makes the following findings of
8 fact:

9 (1) The present financial resources of cities, towns and the state are stretched to their
10 limit with regard to providing adequate funding for education, yet the need to fund public
11 education at its present level remains unabated.

12 (2) School districts, school departments, boards of directors, and school committees are
13 limited in their ability to seek alternative sources of funding for budgetary items outside of the
14 annual appropriation of state aid to education and municipal tax levies.

15 (3) The availability of extracurricular activities for students to participate in, including
16 but not limited to clubs, bands, and sports, is a vital and integral part of the educational process,
17 but one which often creates a disproportionate drain on school district budgets.

18 (4) Frequently, athletic programs receive a smaller portion of the school district budget,

1 but these same programs grow increasingly more expensive to operate.

2 (5) In view of the current economic climate, it would be beneficial to institute a policy
3 where students from those families who are capable of paying user fees for participation in
4 extracurricular activities, while allowing flexibility for students from those families who cannot
5 afford such payments.

6 **16-100-3. Definitions. -- As used in this section, the following term shall have the**
7 **following meaning, unless the context clearly requires otherwise:**

8 "School extra-curricular activities" means a school sponsored activity including but not
9 limited to athletics, internships, work experiences, band, chorus, acting or theater groups,
10 cheerleading, dancing, and other activities sponsored or authorized by a public school district for
11 the benefit of, and participation by students within said school district and which activities are
12 outside the ambit of traditional educational instruction.

13 **16-100-4. Payment for participation in school extra-curricular activities authorized.**

14 **-- (a) The governing body of a public school district, including school committees and boards,**
15 **and any board of directors of a public charter school, are authorized to assess students a**
16 **reasonable fee for participation by a student in school extracurricular activities. Provided, that the**
17 **governing body must first make a determination that the assessment of such fees is in the best**
18 **interests of the school district. Nothing in this chapter shall be construed to require the imposition**
19 **of such fees.**

20 (b) Such assessments may vary in amount based upon the particular activity involved, but
21 must bear a reasonable relationship to the cost per student for the activity.

22 (c) Any plan for such assessments shall provide that students eligible for USDA
23 reimbursable school meals shall be exempt from such assessments. Further, any plan shall
24 provide a means for a family to petition for relief from such assessments based upon financial
25 and/or other hardships.

26 (d) Assessments shall only be made on students who participate in school extracurricular
27 activities, and shall not be imposed as a blanket assessment upon all students.

28 **16-100-5. Grants, gifts and donations. - Acceptance and expenditure. -- Any school**
29 **district, school department, board of directors, or school committee may accept any and all gifts,**
30 **grants and donations of money, equipment, supplies, materials, services and any other**
31 **contribution of value, conditional or otherwise, from any local, state, or federal government or**
32 **governmental subdivision thereof, including quasi-public agencies of any kind, or from any**
33 **person, firm, association, foundation, corporation or business entity, for use in or in support of**
34 **any school extracurricular activities; provided, however, that the gift, grant or donation shall be**

1 utilized and disposed of pursuant to the express terms or conditions stipulated by such gift, grant
2 or donation.

3 **16-100-6. Grant, gifts and donation. - Fiduciary responsibility of municipalities. -**

4 **Accounting. --** (a) Any amount of money received by any municipality and/or public charter
5 school or public charter school district for school extracurricular activities pursuant to this chapter
6 shall be deposited by the chief finance officer of the municipality or charter school into the
7 municipal treasury in a separate, restricted receipt account identifiable to the particular grant, gift
8 or donation and shall be expended solely by and upon the demand of the school district, school
9 department or school committee in accord with the express terms and conditions of said grant,
10 gift or donation. Said account shall be known as a "student activity checking account."
11 Foundation education aid shall not be deemed to be subject to the provisions of this section unless
12 there is a specific designation by the legislature that such aid is to be treated as money received
13 pursuant to this section.

14 (b) Any account established hereunder shall be interest bearing and any interest on funds
15 so deposited shall remain with and become part of the grant, gift or donation and shall be
16 expended as part of said grant, gift or donation.

17 (c) Any other grant, gift or donation of any kind, other than money, including, but not
18 limited to equipment, supplies, materials, services and any other contribution of value may be
19 received directly by school districts, school departments, boards of directors, or school
20 committees so long as said grant, gift or donation shall be accounted for from time of receipt to
21 time of disposition, and so long as direct receipt of such is not otherwise prohibited by law.

22 (d) The superintendent of a district or similar person of a charter school shall be
23 designated to operate and control such student activity checking account and shall give bond to
24 the municipality or district in such amount as the treasurer shall determine to secure the
25 superintendent's faithful performance of his or her duties in connection with such account.

26 (e) There shall be an annual audit of the student activity funds which shall be conducted
27 in accordance with procedures as agreed upon between the school committee and the auditor
28 based upon guidelines issued by the department of elementary and secondary education.

29 **16-100-7. Effect on annual municipal appropriation. --** Nothing in this chapter shall be
30 construed to mean that the present annual municipal appropriation to any school district, school
31 department or school committee shall be or may be decreased or diminished by the amount of any
32 grant, gift or donation made pursuant to this chapter.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO EDUCATION - PAYMENT FOR PARTICIPATION IN SCHOOL
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1 This act would allow school districts to assess students reasonable fees for participation
2 in extracurricular school activities such as sports, clubs, and bands. The act would also allow
3 school departments and school committees to accept grants, gifts and donations from individuals,
4 entities and governmental subdivisions for such purposes as specified by the donor and to keep
5 such funds in an interest bearing restricted receipt account until expended.

6 This act would take effect upon passage.

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