

**2013 -- S 0002 AS AMENDED**

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LC00110  
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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 - THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Senators Gallo, Paiva Weed, Ruggerio, DaPonte, and Metts

Date Introduced: January 02, 2013

Referred To: Recommended for Immediate Consideration

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 16-97-1, 16-97-4, 16-97-5 and 16-97-6 of the General Laws in  
2 Chapter 16-97 entitled "The Rhode Island Board of Education Act" are hereby amended to read  
3 as follows:

4           **16-97-1. Rhode Island board of education established.** -- (a) Effective ~~January 1, 2013~~  
5 [March 7, 2013](#), there is created a board of education which shall be and is constituted a public  
6 corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to be  
7 vested with all the powers and duties currently vested in the board of governors for higher  
8 education established in chapter 16-59 and the board of regents for elementary and secondary  
9 education established in chapter 16-60.

10           (b) Upon its organization, the board of education shall be vested with the legal title (in  
11 trust for the state) to all property, real and personal, now owned by and/or under the control or in  
12 the custody of the board of governors for higher education and the board of regents for  
13 elementary and secondary education, for the use of the board of education. The board of  
14 education is hereby-designated successor to all powers, rights, duties, and privileges pertaining to  
15 the board of regents for elementary and secondary education and the board of governors for  
16 higher education.

17           (c) The board of education shall consist of eleven (11) public members appointed by the  
18 governor with the advice and consent of the senate. Four (4) of the members initially appointed  
19 pursuant to this section shall serve terms of three (3) years; four (4) members initially appointed

1 pursuant to this section shall serve terms of two (2) years; and, three (3) members initially  
2 appointed pursuant to this section shall serve terms of one year. Thereafter, all members  
3 appointed pursuant to this section shall serve terms of three (3) years. No board member shall be  
4 appointed to serve more than two (2) three (3) year terms.

5 (d) The governor shall select from the appointed members a chairperson and vice  
6 chairperson. A quorum shall consist of six (6) members of the board. A majority vote of those  
7 present shall be required for action.

8 (e) The statutory responsibilities of the department of elementary and secondary  
9 education, the commissioner of elementary and secondary education, and the commissioner of  
10 higher education shall remain unchanged. No later than ~~July 1, 2013~~ [September 1, 2013](#), the  
11 board of education shall submit to the governor and the general assembly its final plan for the  
12 permanent administrative structure for higher education. As a requisite element of the  
13 administrative structure for higher education, the board of education shall establish a plan for  
14 distributing the assets, responsibilities, powers, authorities, and duties of the office of higher  
15 education to the three (3) higher education institutions and appropriate state agencies. Said  
16 distribution shall be done in a manner designed to maximize efficiency, provide greater  
17 articulation of the respective responsibilities of elementary and secondary and higher education,  
18 and ensure that students are prepared to succeed in school, college, careers, and life. The  
19 permanent governance structure for higher education shall, at a minimum: (1) Provide clear  
20 guidance on statutory, legal, financial and contractual obligations; (2) Establish a policy  
21 framework that furthers the goals of this chapter; and (3) Establish appropriate administrative  
22 structures, support, policies and procedures. Effective July 1, 2014, the office of higher education  
23 shall be abolished.

24 **16-97-4. Change of former names.** -- Effective ~~January 1, 2013~~ [March 7, 2013](#), the term  
25 "Rhode Island Board of Education" shall be used in lieu of any then existing law reference made  
26 to the board of regents for elementary and secondary education and/or the board of governors for  
27 higher education.

28 **16-97-5. Abolishment of boards.** -- The board of governors for higher education  
29 established in chapter 16-59 and the board of regents for elementary and secondary education  
30 established in chapter 16-60 shall cease to exist as of ~~January 1, 2013~~ [March 7, 2013](#).

31 **16-97-6. Reporting requirements.** -- The board shall submit periodic reports to the  
32 speaker of the house, senate president, chairs of the house and senate finance committees and  
33 their respective fiscal advisors, the chair of the house health, education and welfare committee,  
34 and chair of the senate education committee on its progress towards implementation of this

1 chapter. The first report shall be submitted no later than ~~April 1, 2013~~ September 1, 2013 ~~and~~  
2 ~~quarterly thereafter until January 1, 2014~~. It shall submit a report annually thereafter on or before  
3 January 1, 2014 through 2018.

4 SECTION 2. This act shall take effect upon passage, and shall be retroactive to  
5 December 31, 2012.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT

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- 1           This act would extend the transition period for restructuring the board of education.  
2           This act would take effect upon passage, and shall be retroactive to December 31, 2012.  
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