

2013 -- S 0062

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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 -- PRIVATE SCHOOLS

Introduced By: Senators Crowley, Sosnowski, Miller, Jabour, and Picard

Date Introduced: January 16, 2013

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-40-16 of the General Laws in Chapter 16-40 entitled "Private
2 Schools" is hereby amended to read as follows:

3 **16-40-16. ~~Student records~~ Student records and school closings—Notice of closing. --**

4 (a) In the event that a private school shall close, provision must be made for continued access to
5 student academic and attendance records. Records of elementary school students shall be sent to
6 the receiving school, except that records of elementary and secondary parochial schools shall be
7 sent to the catholic school office.

8 (b) When a private secondary school closes, the school shall obtain the approval of the
9 commissioner of elementary and secondary education as to the disposition of the attendance and
10 academic records of the students.

11 (c) Within thirty (30) days of the closing of a private postsecondary school, the person
12 having care, custody and control of the records shall obtain the approval of the commissioner of
13 higher education as to the disposition of student records.

14 (d) The department of elementary and secondary education and the office of higher
15 education may promulgate regulations for the custody and disposition of student records of
16 private schools that cease operation.

17 (e) No private academy, college, university, or other institution of higher education shall
18 be permitted to close without first notifying the current students, any persons who have pre-paid
19 tuition and deposits with the school, and the board of education or the board of governors for

1 higher education, whichever is the governing body at the time, of the impending closure of the
2 school.

3 (1) Such notice shall be provided in writing at least thirty (30) calendar days prior to the
4 closing of the school, and shall include instructions on the procedures to be implemented to return
5 any pre-paid tuition and/or other deposits to the students and/or persons who have made such
6 deposits and tuition payments and for which instruction time will not be provided because of the
7 private school's closing.

8 (2) In the event a private academy, college, university, or other institution of higher
9 education closes and does not provide the thirty (30) day notice as set forth in the preceding
10 subsection, the general officers and the board of directors of the private entity may be held
11 personally liable for the refund of deposits and pre-paid tuition, unless such persons can show
12 that the school closing and failure to provide notice was made without the knowledge and consent
13 of said general officer or director. Such liability shall not be limiting, exhaustive, or exclusive,
14 and shall be in addition to any other liability which may attach to said private school or any
15 persons or entities associated therewith.

16 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 -- PRIVATE SCHOOLS

1 This act would provide that private schools of higher education would be required to give
2 written notice of their closing at least thirty (30) calendar days prior to said closing. The notice
3 would need to be given to all students and to the governing state entity. In the event of failure to
4 provide said notice, the general officers and the board of directors of the private entity could be
5 held personally liable for the refund of deposits and pre-paid tuition.

6 This act would take effect upon passage.

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