

2014 -- H 7896

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LC004632
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

J O I N T R E S O L U T I O N

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF
AMENDMENT TO THE CONSTITUTION -- RIGHT TO AN ADEQUATE EDUCATION

Introduced By: Representatives Messier, Serpa, Fellela, Diaz, and O'Brien

Date Introduced: March 06, 2014

Referred To: House Health, Education & Welfare

1 RESOLVED, That a majority of all members elected to each house of the general
2 assembly voting therefore, the following amendment to the Constitution of the state be proposed
3 to the qualified electors of the state in accordance with the provisions of Article XIV of the
4 Constitution for their approval and that it take place of Article XII, Sections 1 and 2, and that it
5 also add additional sections to Article XII, all of which are hereby amended, effective January 1,
6 2015, to read as follows:

7 Section 1. ~~Duty of general assembly to promote schools and libraries~~ Right to an
8 adequate education. -- The diffusion of knowledge, as well as of virtue among the people, being
9 essential to the preservation of their rights and liberties, ~~it shall be the duty of the general~~
10 ~~assembly to promote public schools and public libraries, and to adopt all means which it may~~
11 ~~deem necessary and proper to secure to the people the advantages and opportunities of education~~
12 ~~and public library services.~~ is itself a fundamental right of all Rhode Island residents. It shall
13 therefore be the paramount duty of the general assembly, the department of education, and other
14 government agencies to provide all Rhode Island residents with equal opportunities to receive an
15 education that is adequate to permit them to achieve at high levels and to become lifelong
16 learners, productive workers, and responsible citizens, and also to provide public library services,
17 and to establish, maintain, or operate such institutions of higher and vocational-technical learning,
18 adult education, and other public education programs that the needs of the people may require.

19 Section 2. ~~Perpetual school fund. — The money which now is or which may hereafter be~~

1 ~~appropriated by law for the establishment of a permanent fund for the support of public schools,~~
2 ~~shall be securely invested and remain a perpetual fund for that purpose.~~ Judicial enforcement. –
3 This article shall be judicially enforceable. Any person or entity injured or threatened with an
4 injury because of any non-compliance with the provisions of this article shall be entitled to bring
5 an action in Superior Court to enforce those provisions and to obtain declaratory and injunctive
6 relief for any violation thereof. The prevailing plaintiff in any such action shall be entitled to an
7 award of reasonable attorney's fees and reimbursement of costs, including, but not limited to,
8 expert witness fees, from any party or parties adjudged liable.

9 Section 3. Donations. -- All donations for the support of public schools, or for other
10 purposes of education, which may be received by the general assembly, shall be applied
11 according to the terms prescribed by the donors.

12 Section 4. Implementation of article -- Diversion of funds prohibited. -- The general
13 assembly shall make all necessary provisions by law for carrying this article into effect. It shall
14 not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same,
15 or any part thereof, for any other purpose, under any ~~pretence~~ pretense whatsoever; now therefore
16 be it

17 RESOLVED, That this amendment shall take, in the Constitution of the state, the place of
18 SECTION 1 and SECTION 2, Article XII, and add sections to Article XII, of the
19 Constitution, effective January 1, 2015; and be it further

20 RESOLVED, That the said proposition of amendment shall be submitted to the electors
21 for their approval or rejection at the next statewide general election. The voting places in the
22 several cities and towns shall be kept open during the hours required by law for voting therein for
23 general officers of the state; and be it further

24 RESOLVED, That the Secretary of State shall cause the said proposition of amendment
25 to be published as a part of the resolution in the newspapers of the state prior to the date of the
26 said meetings of the said electors; and the said proposition shall be inserted in the warrants or
27 notices to be issued previous to said meetings of the electors for the purpose of warning the town,
28 ward, or district meetings, and said proposition shall be read by the town, ward, or district
29 meetings to be held as aforesaid; and be it further

30 RESOLVED, That the town, ward, and district meetings to be held as aforesaid shall be
31 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and
32 district meetings shall be conducted in the same manner as now provided by law for the town,

1 ward, and district meetings for the elections of general officers of the state.

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