

**2015 -- S 0811 SUBSTITUTE A**

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LC000845/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2015**

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A N A C T

RELATING TO EDUCATION

Introduced By: Senator Gayle L. Goldin

Date Introduced: April 09, 2015

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-59-6 of the General Laws in Chapter 16-59 entitled "Board of  
2           Governors for Higher Education [See Title 16 Chapter 97 - The Rhode Island Board of Education  
3           Act]" is hereby amended to read as follows:

4           **16-59-6. Commissioner of postsecondary education.** -- The ~~governor council on~~  
5           ~~postsecondary education, with approval of the board,~~ shall appoint a commissioner of  
6           postsecondary education, with the advice and consent of the senate, and the approval of the board  
7           of education, and the council on postsecondary education, who shall serve at the pleasure of the  
8           council, provided that his or her initial engagement ~~by the council~~ shall be for a period of not  
9           more than three (3) years. For the purpose of appointing, retaining, or dismissing a commissioner  
10          of postsecondary education, the governor shall serve as an additional voting member of the  
11          council. The position of commissioner shall be in the unclassified service of the state and he or  
12          she shall serve as the chief executive officer of the council on postsecondary education and as the  
13          chief administrative officer of the office of postsecondary commissioner. The commissioner of  
14          postsecondary education shall have any duties that are defined in this section and in this title and  
15          other additional duties as may be determined by the council, and shall perform any other duties as  
16          may be vested in him or her by law. In addition to these duties and general supervision of the  
17          office of postsecondary commissioner and the appointment of the several officers and employees  
18          of the office, it shall be the duty of the commissioner of postsecondary education:

19           (1) To develop and implement a systematic program of information gathering,

1 processing, and analysis addressed to every aspect of higher education in the state, especially as  
2 that information relates to current and future educational needs.

3 (2) To prepare a strategic plan for higher education in the state aligned with the goals of  
4 the board of education's strategic plan; to coordinate the goals and objectives of the higher public  
5 education sector with the goals of the council on elementary and secondary education, and  
6 activities of the independent higher education sector where feasible.

7 (3) To communicate with and seek the advice of those concerned with and affected by  
8 the board of education's and council's determinations.

9 (4) To implement broad policy as it pertains to the goals and objectives established by  
10 the board of education and council on postsecondary education; to promote better coordination  
11 between higher public education in the state, independent higher education in the state as  
12 provided in subdivision (10) of this section and pre k-12 education; to assist in the preparation of  
13 the budget for public higher education and to be responsible upon direction of the council for the  
14 allocation of appropriations, the acquisition, holding, disposition of property.

15 (5) To be responsible for the coordination of the various higher educational functions of  
16 the state so that maximum efficiency and economy can be achieved.

17 (6) To assist the board of education in preparation and maintenance of a five (5) year  
18 strategic funding plan for higher education; to assist the council in the preparation and  
19 presentation annually to the state budget officer in accordance with § 35-3-4 of a total public  
20 higher educational budget.

21 (7) To recommend to the council on postsecondary education after consultation with the  
22 presidents, a clear and definitive mission for each public institution of higher learning.

23 (8) To annually recommend to the council on postsecondary education after consultation  
24 with the presidents, the creation, abolition, retention, or consolidation of departments, divisions,  
25 programs, and courses of study within the public colleges and universities to eliminate  
26 unnecessary duplication in public higher education, to address the future needs of public higher  
27 education in the state, and to advance proposals recommended by the presidents of the public  
28 colleges and universities pursuant to §§ 16-32-2.1, 16-33-2.1 and 16-33.1-2.1 of the general laws.

29 (9) To supervise the operations of the office of postsecondary commissioner and any  
30 other additional duties and responsibilities that may be assigned by the council.

31 (10) To perform the duties vested in the council with relation to independent higher  
32 educational institutions within the state under the terms of chapter 40 of this title and any other  
33 laws that affect independent higher education in the state.

34 (11) To be responsible for the administration of policies, rules, and regulations of the

1 council on postsecondary education with relation to the entire field of higher education within the  
2 state, not specifically granted to any other department, board, or agency and not incompatible  
3 with law.

4 (12) To prepare standard accounting procedures for public higher education and all  
5 public colleges and universities.

6 (13) To carry out the policies and directives of the board of education and the council on  
7 postsecondary education through the office of postsecondary commissioner and through  
8 utilization of the resources of the public institutions of higher learning.

9 SECTION 2. Sections 16-60-4 and 16-60-6 of the General Laws in Chapter 16-60  
10 entitled "Board of Regents for Elementary and Secondary Education [See Title 16 Chapter 97 -  
11 The Rhode Island Board of Education Act]" are hereby amended to read as follows:

12 **16-60-4. Council on elementary and secondary education -- Powers and duties. --**

13 The Council on Elementary and Secondary Education shall have in addition to those enumerated  
14 in § 16-60-1, the following powers and duties:

15 (1) To approve a systematic program of information gathering, processing, and analysis  
16 addressed to every aspect of elementary and secondary education in this state especially as that  
17 information relates to current and future educational needs so that current needs may be met with  
18 reasonable promptness and plans formulated to meet future needs as they arise in the most  
19 efficient and economical manner possible.

20 (2) To approve a master plan implementing the broad goals and objectives for  
21 elementary and secondary education in the state that have been established by the board of  
22 education. These goals and objectives shall be expressed in terms of what men and women should  
23 know and be able to do as a result of their educational experience. The council on elementary and  
24 secondary education shall continually evaluate the efforts and results of education in the light of  
25 these objectives.

26 (3) To adopt standards and require enforcement and to exercise general supervision over  
27 all elementary and secondary public and nonpublic education in the state as provided in  
28 subdivision (8) of this section. The council on elementary and secondary education shall not  
29 engage in the operation or administration of any subordinate committee, local school district,  
30 school, school service, or school program, except its own department of elementary and  
31 secondary education, and except as specifically authorized by an act of the general assembly. The  
32 adoption and submittal of the budget and the allocation of appropriations, the acquisition,  
33 holding, disposition, and general management of property shall not be construed to come within  
34 the purview of the preceding prohibition. The council on elementary and secondary education

1 shall communicate with and seek the advice of the commissioner of elementary and secondary  
2 education and all those concerned with and affected by its determinations as a regular procedure  
3 in arriving at its conclusions and in setting its policy.

4 (4) To allocate and coordinate the various educational functions among the educational  
5 agencies of the state and local school districts and to promote cooperation among them so that  
6 maximum efficiency and economy shall be achieved.

7 (5) (i) To prepare with the assistance of the commissioner of elementary and secondary  
8 education and to present annually to the state budget officer, in accordance with § 35-3-4, a total  
9 educational budget for the elementary and secondary sector which shall include, but not be  
10 limited to, the budgets of the department of elementary and secondary education, subordinate  
11 boards and agencies, and state aid to local school districts. Prior to submitting the budget as  
12 required by the budget office instructions and this subsection the council shall present the budget  
13 to the board of education for review and approval.

14 (ii) In the preparation of the budget, the council on elementary and secondary education  
15 shall implement the priorities established by the board of education of expenditures for  
16 elementary and secondary education purposes of state revenues and other public resources made  
17 available for the support of public elementary and secondary education among the various  
18 education agencies of the state. Nothing contained in this section shall authorize any individual or  
19 group of individuals to reallocate resources in a manner other than that prescribed in the budget as  
20 appropriations by the general assembly.

21 (6) To maintain a department of elementary and secondary education, [and](#) to provide for  
22 its staffing and organization. ~~and to appoint a commissioner of elementary and secondary~~  
23 ~~education pursuant to § 16-60-6 who shall serve at its pleasure.~~ The commissioner of elementary  
24 and secondary education and the department of elementary and secondary education shall have  
25 any duties and responsibilities as defined in §§ 16-60-6 and 16-60-7.

26 (7) To establish other educational agencies or subcommittees necessary or desirable for  
27 the conduct of any or all aspects of elementary and secondary education and to determine all  
28 powers, functions, and composition of any agencies or subcommittees and to dissolve them when  
29 their purpose shall have been fulfilled; provided that nothing contained in this subdivision shall  
30 be construed to grant the council the power to establish subcommittees or agencies performing  
31 the duties and functions of local school committees except as provided in § 16-1-10.

32 (8) To exercise the authority previously vested in the board of regents for education with  
33 relation to secondary nonpublic educational institutions within the state under the terms of  
34 chapter 40 of this title and other laws affecting nonpublic education in the state, and to cause the

1 department of elementary and secondary education to administer the provisions of that section.

2 (9) To exercise all the functions, powers and duties which previously were vested in the  
3 board of regents for education, under the provisions of former § 16-49-4(9), including but not  
4 limited to the following specific functions:

5 (i) To approve the basic subjects and courses of study to be taught and instructional  
6 standards required to be maintained in the public elementary and secondary schools of the state.

7 (ii) To adopt standards and qualifications for the certification of teachers and to provide  
8 for the issuance of certificates, and to establish fees for the certification of teachers. The fees  
9 collected for the certification of teachers along with various education licensing and testing fees  
10 shall be deposited by the council on elementary and secondary education as general revenues.  
11 The funds appropriated by the general assembly shall be utilized by the department of elementary  
12 and secondary education to establish and support programs which enhance the quality and  
13 diversity of the teaching profession. The commissioner of elementary and secondary education  
14 shall regularly make recommendations to the board about specific programs and projects to be  
15 supported by those funds. The commissioner shall oversee the funds, assess the effectiveness of  
16 its programs and projects, and make recommendations about the general use and operation of the  
17 funds to the board.

18 (iii) To be responsible for the distribution of state school funds.

19 (iv) To determine the necessity of school construction and to approve standards for  
20 design and construction of school buildings throughout the state.

21 (v) To set standards for school libraries and school library services.

22 (vi) To make recommendations relative to transportation of pupils to school, school bus  
23 routes, time schedules, and other matters relating to pupil transportation.

24 (vii) To enforce the provisions of all laws relating to elementary and secondary  
25 education.

26 (viii) To decide and determine appeals from decisions of the commissioner.

27 (ix) To prescribe forms for the use of local school committees and local officers when  
28 reporting to the department of elementary and secondary education.

29 (x) To adopt and require standard accounting procedures for local school districts, except  
30 as provided for in subdivision (3) of § 16-24-2.

31 (xi) To adopt and require standard uniform operating and capital budgeting procedures  
32 for local school districts.

33 (10) To establish rules for the approval and accrediting of elementary and secondary  
34 schools.

1           (11) To recommend to the general assembly changes in the size and number of the  
2 school districts within the state; and to make any further and other recommendations to the  
3 general assembly as the council on elementary and secondary education may determine to be  
4 necessary or desirable, including, but not limited to, proposals for incentives for the coordination  
5 of services and facilities of certain school districts and the feasibility of granting taxing authority  
6 to local school committees upon their request, and the impact upon the quality of education  
7 within that particular community by granting the request. In carrying out this duty, the council on  
8 elementary and secondary education shall periodically issue reports in school district  
9 organizations for selected regions and school districts.

10           (12) To exercise all other powers with relation to the field of elementary and secondary  
11 education within this state not specifically granted to any other department, board, or agency, and  
12 not incompatible with law, which the council on elementary and secondary education may deem  
13 advisable.

14           (13) To exercise the authority previously vested in the board of regents for education  
15 with relation to adult education as defined in § 16-58-2 and to establish definitive goals for and  
16 operate a comprehensive delivery system for adult education programs and services, including the  
17 counseling and testing of persons interested in obtaining high school equivalency diplomas, the  
18 issuance of diplomas, and the maintenance of a permanent record of applications, tests, and  
19 equivalency diplomas.

20           (14) To promote maximum efficiency and economy in the delivery of elementary and  
21 secondary educational services in the state.

22           (15) To approve a training program for school committee members to enhance their  
23 individual skills and their effectiveness as a corporate body. The training program should include,  
24 but not be limited to, the following roles and responsibilities of school committees: strategic  
25 planning, human and community relations, and school finance and budgeting.

26           (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an  
27 annual report to the governor, the speaker of the house of representatives, and the president of the  
28 senate of its activities during that fiscal year. The report shall provide: an operating statement  
29 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or  
30 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,  
31 and programs administered or initiated; a consolidated financial statement of all funds received  
32 and expended including the source of the funds, a listing of any staff supported by these funds,  
33 and a summary of any clerical, administrative or technical support received; a summary of  
34 performance during the previous fiscal year including accomplishments, shortcomings and

1 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the  
2 authority of the council; a briefing on anticipated activities in the upcoming fiscal year; and  
3 findings and recommendations for improvements. The director of the department of  
4 administration shall be responsible for the enforcement of the provisions of this subsection.

5 (17) To prepare with the assistance of the commissioner a multi-year plan of priority  
6 educational goals and objectives. This plan should recommend policy objectives, implementation  
7 strategies, and a timetable for major policy initiatives.

8 (18) Each year the governor shall by writing notify the council on elementary and  
9 secondary education concerning broad economic, cultural, and social needs that the education  
10 system needs to consider which the board shall address in developing educational plans and  
11 programs.

12 (19) Appoint a standing committee that will develop a schedule to systematically review  
13 all council policies over a three (3) year period.

14 (20) To prepare with the assistance of the commissioner a statement of regulatory policy.  
15 This policy should set forth the goals and objectives of state regulations which are expressed in  
16 terms of what educational inputs and outputs the board expects regulations to address.

17 (21) (i) To prepare with the assistance of the commissioner of elementary and secondary  
18 education and to present annually to the general assembly by January 1 a report on school  
19 discipline in Rhode Island schools. This report shall include:

20 (A) Expulsions by district, including duration and the reason for each action.

21 (B) Suspensions by district, including duration and the reason for each action.

22 (C) Placements to alternative programs for disciplinary reasons.

23 (D) Assaults of teachers, students, and school staff by students.

24 (E) Incidents involving possession of weapons on school property. For the purpose of  
25 this section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-  
26 47-42.

27 (F) Incidents of the sale of controlled substances by students.

28 (G) Incidents of the possession with the intent to sell controlled substances by students.

29 (H) Additional demographic information including, but not limited to, the ethnic and  
30 racial classifications, age, and gender, as prescribed by the commissioner, of each of the students  
31 involved in the incidents, events or actions described in subparagraphs (A) through (G) of this  
32 subdivision.

33 (I) A description of the education program provided to each student suspended for over  
34 ten (10) consecutive school days in a school year.

1 (ii) All school superintendents shall supply the necessary information on forms  
2 established by the commissioner of elementary and secondary education to the council on  
3 elementary and secondary education to assist in the preparation of the council's report on school  
4 discipline.

5 (22) To prepare and promulgate a uniform statewide school reporting system which  
6 would provide information including, but not limited to, the following:

7 (i) Student and teacher attendance rates;

8 (ii) Standardized test scores;

9 (iii) Demographic profiles;

10 (iv) Results of polls of students, parents, and teachers;

11 (v) Descriptions of goals, initiatives, and achievements;

12 (vi) Best teaching practices;

13 (vii) Alternative student assessments;

14 (viii) Special programs;

15 (ix) Number of student suspensions and teacher grievances and the amount of parental  
16 involvement.

17 (23) [Deleted by P.L. 2014, ch. 145, art. 20, § 7].

18 **16-60-6. Commissioner of elementary and secondary education.** -- The [governor](#)  
19 ~~council on elementary and secondary education, with the advice and consent of the board of~~  
20 ~~education,~~ shall appoint a commissioner of elementary and secondary education [with the advice](#)  
21 [and consent of the senate, and the approval of the board of education, and the council on](#)  
22 [elementary and secondary education](#), who shall serve at the pleasure of the council on elementary  
23 and secondary education, provided that the commissioner's initial engagement ~~by the council~~  
24 shall be for a period of not more than three (3) years. For the purpose of appointing, retaining, or  
25 dismissing a commissioner, the governor shall serve as an additional voting member of the  
26 council on elementary and secondary education. The position of commissioner shall be in the  
27 unclassified service of the state and he or she shall serve as the chief executive officer of the  
28 council on elementary and secondary education and as the chief administrative officer of the  
29 department of elementary and secondary education. The commissioner of elementary and  
30 secondary education shall have the duties that are defined in this section and in this title and any  
31 other additional duties that may be determined by the council on elementary and secondary  
32 education, and shall perform any other duties that may be vested in the commissioner by law. In  
33 addition to the general supervision of the department of elementary and secondary education and  
34 the appointment of the several officers and employees of the department, it shall be the duty of



1 the commissioner of elementary and secondary education:

2 (1) To develop and implement a systematic program of information gathering,  
3 processing, and analysis addressed to every aspect of elementary and secondary education in the  
4 state, especially as that information relates to current and future educational needs.

5 (2) To prepare a master plan for elementary and secondary education in the state; to  
6 coordinate the goals and objectives of the public elementary and secondary education sector with  
7 the activities of the nonpublic elementary and secondary education sector where feasible.

8 (3) To communicate with and seek the advice of those concerned with and affected by  
9 the board of education's and the council's determinations.

10 (4) To implement broad policy as it pertains to the goals and objectives established by  
11 the board of education; to enforce standards and to exercise general supervision over public  
12 elementary and secondary education in the state and over all elementary and secondary nonpublic  
13 education in the state as provided in subdivision (8) of this section; to assist in the preparation of  
14 the budget for elementary and secondary education and to be responsible upon direction of the  
15 council on elementary and secondary education for the allocation of appropriations, the  
16 acquisition, holding, disposition, and general management of property.

17 (5) To be responsible for the coordination of the various elementary and secondary  
18 educational functions among the educational agencies of the state including local school districts  
19 and to encourage and to assist in the cooperation among them so that maximum efficiency and  
20 economy may be achieved.

21 (6) To assist the council on elementary and secondary education in the preparation and  
22 presentation annually to the state budget officer, in accordance with § 35-3-4, of a total state  
23 elementary and secondary educational budget which shall include, but not be limited to, the  
24 budget of the department of elementary and secondary education, subcommittees and agencies,  
25 and state aid to local school districts.

26 (7) To supervise the operation of the department of elementary and secondary education,  
27 to have the duties as defined in § 16-1-5 and in this title or in law wherever outlined, and other  
28 additional duties and responsibilities that may be assigned by the council on elementary and  
29 secondary education.

30 (8) To perform the duties vested in the board of education and council on elementary and  
31 secondary education with relation to nonpublic elementary and secondary educational institutions  
32 within the state under the terms of chapter 40 of this title, and other laws that affect nonpublic  
33 elementary and secondary education in the state.

34 (9) To supervise the following specific functions:

- 1 (i) To recommend the basic subjects and courses of study to be taught and instructional  
2 standards to be maintained in the public elementary and secondary schools in the state.
- 3 (ii) To recommend standards and qualifications of teachers and to issue certificates upon  
4 approval of standards and qualifications by the council on elementary and secondary education.
- 5 (iii) To distribute state school funds in accordance with law and regulations of the  
6 council on elementary and secondary education.
- 7 (iv) To certify as to the necessity of school construction and that standards and design  
8 are in accordance with law and regulations of the council on elementary and secondary education  
9 and to approve a design for school construction throughout the state.
- 10 (v) To certify that school library standards and services are in accordance with law and  
11 regulations of the council on elementary and secondary education.
- 12 (vi) To recommend to the council on elementary and secondary education relating to the  
13 transportation of pupils to school.
- 14 (vii) To require the observance of all laws relating to elementary and secondary schools  
15 and education.
- 16 (viii) To interpret school law and to decide any controversies that may be appealed to  
17 him or her from decisions of local school committees.
- 18 (ix) To prepare and recommend standard forms for the use of local schools when  
19 reporting to the department of elementary and secondary education.
- 20 (x) To prepare standard accounting and auditing procedures for local school districts,  
21 except for the purposes of subdivision (3) of § 16-24-2 which shall be done in conjunction with  
22 the auditor general.
- 23 (xi) To prepare uniform budgeting procedures for local school districts.
- 24 (xii) To determine when special purpose grants made to local school districts shall be  
25 eligible for reimbursement through the school operations aid formula in accordance with chapter  
26 7 of this title, and to designate the purpose(s) for which the local school district may use the  
27 school operations aid reimbursement, including reimbursement on local matching funds used to  
28 support the special purpose grant. The commissioner shall promulgate and adopt rules and  
29 regulations to carry out the intent of this subsection.
- 30 (10) To approve and accredit elementary and secondary schools in accordance with the  
31 policy and regulations of the council on elementary and secondary education.
- 32 (11) To be responsible for the administration of policies, rules, and regulations of the  
33 board of education and the council on elementary and secondary education with relation to the  
34 entire field of elementary and secondary education within the state not specifically granted to any

1 other department, board, or agency and not incompatible with law.

2 (12) To receive from law enforcement agencies a list periodically of the names of Rhode  
3 Island missing children and to disseminate these lists to local school districts.

4 SECTION 3. Section 16-97-1.2 of the General Laws in Chapter 16-97 entitled "The  
5 Rhode Island Board of Education Act" is hereby amended to read as follows:

6 **16-97-1.2. Powers and duties of the board of education.** -- The board of education  
7 shall have the following powers and duties:

8 (a) To develop and adopt a strategic plan defining broad goals and objectives for  
9 education in the state. These goals and objectives shall be expressed in terms of the future  
10 educational attainment of the population, quality of life and economy of Rhode Island, including  
11 but not limited to what children, men and women should know and be able to do as a result of  
12 their educational experience and the contributions of education to meeting the workforce and  
13 economic development needs of Rhode Island. The board shall approve the strategic plans for  
14 elementary and secondary education and postsecondary education in terms of the alignment of  
15 these strategic plans with the overall strategic plan of the board of education. The board shall  
16 continuously evaluate the efforts of the council on elementary and secondary education and the  
17 council on postsecondary education to implement the strategic plans and shall review the results  
18 of education in the light of these objectives;

19 (b) To prepare and maintain a five (5) year strategic funding plan for all levels of  
20 education in Rhode Island. The board shall determine priorities of expenditures for public  
21 education purposes of state revenues and other public resources made available for the support of  
22 public education and direct the council on elementary and secondary education and the council on  
23 postsecondary education to implement those priorities when developing the annual budget for  
24 elementary and secondary education and higher education. The councils shall present their annual  
25 budgets to the board for its review and approval. Nothing contained in this subdivision shall  
26 authorize the board to alter the allocation of grants or aid otherwise provided by law;

27 (c) To develop and submit to the general assembly for approval a performance funding  
28 formula for public higher education that furthers the purposes of the board and ensures that all  
29 students may achieve educational excellence;

30 (d) To develop policies that maximize the potential of collaboration from elementary and  
31 secondary education through higher education systems and that improve efficiencies at all levels  
32 of the education system through improved coordination of activities;

33 (e) To embrace the legislative findings regarding virtual education established by § 16-  
34 22.1-2 of the general laws and adopt goals and policies that address these findings and to

1 encourage the council on elementary and secondary education and the council for postsecondary  
2 education to develop and or improve virtual learning experiences for Rhode Island students;

3 (f) To approve the appointment of a commissioner of elementary and secondary  
4 education; by the governor, subject to the advice and consent of the senate as provided for in §  
5 16-60-6.

6 (g) To approve the appointment of a commissioner of postsecondary education; by the  
7 governor, subject to the advice and consent of the senate as provided for in § 16-59-6.

8 (h) To conduct a training course for newly appointed and qualified board members  
9 within six (6) months of their qualification. The course shall be developed by the chairperson of  
10 the board, approved by the board, and conducted by the chairperson of the board. The board may  
11 approve the use of any board or staff members or other individuals to assist with training. The  
12 training course shall include instruction in the following areas: the provisions of chapters 42-46,  
13 36-14, and 38-2; and the board's own rules.

14 SECTION 4. This act shall take effect upon passage and shall apply to any appointments  
15 made on or after the effective date.

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LC000845/SUB A/2  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION

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1           This act would provide that the governor would appoint the commissioner of  
2 postsecondary education and the commissioner of elementary and secondary education. Both  
3 appointments would be made with the advice and consent of the senate and the approval of the  
4 board of education and the respective councils.

5           This act would take effect upon passage and would apply to any appointments made on  
6 or after the effective date.

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