

2019 -- H 5068

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Lombardi, Hull, and Walsh

Date Introduced: January 10, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-9 of the General Laws in Chapter 16-2 entitled "School  
2 Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of  
3 Education Act]" is hereby amended to read as follows:

4 **16-2-9. General powers and duties of school committees.**

5 (a) The entire care, control, and management of all public school interests of the several  
6 cities and towns shall be vested in the school committees of the several cities and towns. School  
7 committees shall have, in addition to those enumerated in this title, the following powers and  
8 duties:

9 (1) To identify educational needs in the community.

10 (2) To develop education policies to meet the needs of the community.

11 (3) To provide for and assure the implementation of federal and state laws, the  
12 regulations of the board of regents for elementary and secondary education, and of local school  
13 policies, programs, and directives.

14 (4) To provide for the evaluation of the performance of the school system.

15 (5) To have responsibility for the care and control of local schools.

16 (6) To have overall policy responsibility for the employment and discipline of school  
17 department personnel.

18 (7) To approve a master plan defining goals and objectives of the school system. These  
19 goals and objectives shall be expressed in terms of what men and women should know and be

1 able to do as a result of their educational experience. The committee shall periodically evaluate  
2 the efforts and results of education in light of these objectives.

3 (8) To provide for the location, care, control, and management of school facilities and  
4 equipment.

5 (9) To adopt a school budget to submit to the local appropriating authority.

6 (10) To adopt any changes in the school budget during the course of the school year.

7 (11) To approve expenditures in the absence of a budget, consistent with state law.

8 (12) To employ a superintendent of schools and assign any compensation and other terms  
9 and conditions as the school committee and superintendent shall agree, provided that in no event  
10 shall the term of employment of the superintendent exceed three (3) years. Nothing contained in  
11 this chapter shall be construed as invalidating or impairing a contract of a school committee with  
12 a school superintendent in force on May 12, 1978.

13 (13) To give advice and consent on the appointment by the superintendent of all school  
14 department personnel.

15 (14) To establish minimum standards for personnel, to adopt personnel policies, and to  
16 approve a table of organization.

17 (15) To establish standards for the evaluation of personnel.

18 (16) To establish standards for conduct in the schools and for disciplinary actions.

19 (17) To hear appeals from disciplinary actions.

20 (18) To enter into contracts; provided, however, that notwithstanding any other provision  
21 of the general or public laws, whether of specific or general application, and notwithstanding the  
22 provisions of any charter of any municipality where the school committee is appointed and not  
23 elected, but not including, the Central Falls school district board of trustees established by § 16-2-  
24 34, the power and duty to enter into collective bargaining agreements shall be vested in the chief  
25 executive officer of the municipality and not in the school committee.

26 (19) To publish policy manuals which shall include all school committee policies.

27 (20) To establish policies governing curriculum, courses of instruction, and text books.

28 (21) To provide for transportation services which meet or exceed standards of the board  
29 of regents for elementary and secondary education; provided, that transportation services are  
30 made available for students who reside two (2) or more miles from school.

31 (22) To make any reports to the department of education as are required by the board of  
32 regents for elementary and secondary education.

33 (23) To delegate, consistent with law, any responsibilities to the superintendent as the  
34 committee may deem appropriate.

1 (24) To address the health and wellness of students and employees.

2 (25) To establish a subcommittee of the school board or committee to decrease obesity  
3 and address school health and wellness policies for students and employees consistent with § 16-  
4 21-28.

5 (26) To annually undertake a minimum of six (6) hours of professional development as  
6 set forth and described in § 16-2-5.1.

7 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers  
8 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or  
9 to allow any school committee to abrogate any agreement reached by collective bargaining.

10 (c) The elected school committees of each city, town, or regional school district, or the  
11 chief executive officer of any municipality having an appointed school committee, shall have the  
12 power to bind their successors and successor committees by entering into contracts of  
13 employment in the exercise of their governmental functions.

14 (d) Notwithstanding any provisions of the general laws to the contrary, the requirement  
15 defined in subsections (d) through (f) of this section shall apply. The school committee of each  
16 school district shall be responsible for maintaining a school budget which does not result in a  
17 debt.

18 (e) The school committee shall, within thirty (30) days after the close of the first and  
19 second quarters of the state's fiscal year, adopt a budget as may be necessary to enable it to  
20 operate without incurring a debt, as described in subsection (d).

21 (f) In the event that any obligation, encumbrance, or expenditure by a superintendent of  
22 schools or a school committee is in excess of the amount budgeted or that any revenue is less than  
23 the amount budgeted, the school committee shall within five (5) working days of its discovery of  
24 potential or actual over expenditure or revenue deficiency submit a written statement of the  
25 amount of and cause for the over obligation or over expenditure or revenue deficiency to the city  
26 or town council president and any other person who by local charter or statute serves as the city  
27 or town's executive officer; the statement shall further include a statement of the school  
28 committee's plan for corrective actions necessary to meet the requirements of subsection (d). The  
29 plan shall be approved by the auditor general and also submitted to the division of municipal  
30 finance.

31 (g) Notwithstanding any other provision of law, whether of general or specific  
32 application, and notwithstanding any contrary provision of any city or town charter or ordinance,  
33 the elected school committee of any city, town and regional school district shall be, and is hereby  
34 authorized to retain the services of such independent legal counsel as it may deem necessary and

1 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the  
2 school committee, and in no event shall the independent counsel be deemed to be an employee of  
3 the pertinent city or town for any purpose.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would require school committees to provide transportation for any student who  
2 resides two (2) or more miles from school.

3           This act would take effect upon passage.

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