

2008 -- H 7283 SUBSTITUTE A AS AMENDED

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LC00918/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representative Peter F. Kilmartin

Date Introduced: January 29, 2008

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby amended to read as follows:
3 **16-2-21.4. School budgets -- Compliance with certain requirements. --** (a)
4 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
5 town, or regional school committee determines that its budget is insufficient to comply with the
6 provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee
7 shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an
8 appropriated budget. The chairperson of the city, town, or regional school committee, in
9 accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,
10 in writing, to seek alternatives for the district to comply with state regulations and/or provide
11 waivers to state regulations and, in particular, those which are more restrictive than federal
12 regulations that allow the school committee to operate with a balanced budget. Waivers which
13 affect the health and safety of students and staff or which violate the provisions of chapter 24 of
14 this title shall not be granted. The commissioner must consider alternatives for districts to comply
15 with regulations and/or provide waivers to regulations in order that the school committee may
16 operate with a balanced budget within the previously authorized appropriation. In the petition to
17 the commissioner, the school committee shall be required to identify the alternatives to meet
18 regulations and/or identify the waivers it seeks in order to provide the commissioner with the
19 revised budget which allows it to have a balanced budget within the previously authorized

1 appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of
2 the written petition from the school committee. If the commissioner does not approve of the
3 alternatives to meet regulations or the waivers from regulations which are sought by the school
4 committee, or if the commissioner does not approve of the modified expenditure plan submitted
5 by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,
6 the school committee may submit a written request to the city or town council for the council of
7 the municipality to decide whether to increase the appropriation for schools to meet expenditures.
8 The decision to increase any appropriations shall be conducted pursuant to the local charter or the
9 public law controlling the approval of appropriations within the municipality; or (2) in a regional
10 school district, the chairperson of the school committee may, within ten (10) days of receiving the
11 commissioner's response, submit a written request to the chief elected official of each of the
12 municipalities to request that the city or town council in each of their respective towns meet to
13 decide whether or not to increase the appropriation for schools to meet expenditures. The decision
14 to increase any appropriations shall be conducted pursuant to the local charter or the public law
15 controlling the approval of appropriations within the municipality.

16 (b) In the event of a negative vote by the appropriating authority, the school committee
17 shall have the right to seek additional appropriations by bringing an action in the superior court
18 for the county of Providence and shall be required to demonstrate that the school committee lacks
19 the ability to adequately run the schools for that school year with a balanced budget within the
20 previously authorized appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23,
21 and 16-7-24. In no event shall any court order obtained by the school committee have force and
22 effect for any period longer than the fiscal year for which the litigation is brought. Any action
23 filed pursuant to this section shall be set down for a hearing at the earliest possible time and shall
24 be given precedence over all matters except older matters of the same character. The court shall
25 render its decision within thirty (30) days of the close of the hearings. Upon the bringing of an
26 action in the superior court by the school committee to increase appropriations, the chief
27 executive officer of the municipality, or in the case of a regional school district the chief elected
28 officials from each of the member municipalities, shall cause to have a financial and ~~program~~
29 performance audit in compliance with the generally acceptable governmental auditing standards
30 of the school department conducted by the auditor general, the bureau of audits, or a certified
31 public accounting firm qualified in ~~program performance~~ audits. The results of the audit shall be
32 made public upon completion and paid for by the school committee to the state or private
33 certified public accounting firm.

34 (c) The auditor general shall select the auditor if the audit is not directly performed by

1 [his or her office.](#)

2 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 -- SCHOOL COMMITTEES AND SUPERINTENDENTS

1 This act would provide that in the event of an audit of a school department, the auditor
2 general would select the auditor if the audit is not performed by the office of the auditor general.

3 This act would take effect upon passage.

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