

2014 -- H 8204 SUBSTITUTE A AS AMENDED

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LC005689/SUB A/4
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO EDUCATION

Introduced By: Representatives McNamara, Mattiello, DeSimone, MacBeth, and Serpa

Date Introduced: May 15, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-45.1-1 and 16-45.1-2 of the General Laws in Chapter 16-45.1
2 entitled "Career and Technical Education" are hereby amended to read as follows:

3 **16-45.1-1. Findings.** -- The general assembly finds and declares as follows:

4 (1) The Rhode Island economy will benefit from a highly skilled workforce;

5 (2) Career and technical education must be informed by the needs of local businesses
6 industries and employers, in creating, growing, and locating employment opportunities for job
7 seekers with the requisite knowledge, skills, and abilities desired by employers;

8 (3) Career and technical education should provide an integrated career pathway system
9 to respond to the needs of businesses, small and large, as well as innovative and emerging
10 industries; and

11 (4) Based upon the current and future demands for a highly skilled workforce, career and
12 technical education should provide a foundation for students to succeed in career and/or higher
13 education opportunities.

14 (5) There is a need to establish a coordinated and comprehensive system of career and
15 technical education for students within the state with a focus on coordination, efficiencies, quality
16 of program offerings, and outcomes throughout the state.

17 (6) There is a need to establish a robust, student-based system of career and technical
18 education that provides a blend of rigorous academics and the skills, training, and credentials
19 necessary for workplace success. Therefore, effective January 30, 2015, there is hereby

1 established a Rhode Island career and technical board of trustees to be known as the Rhode Island
2 board of trustees on career and technical education. Effective January 15, 2015, there is hereby
3 created a not-for-profit organization known as the CTE trust.

4 **16-45.1-2. Career and technical education system.** -- (a) The board ~~of regents of~~ of
5 education shall establish and maintain a system of career and technical education that maintains
6 ongoing connections with higher education and meets the needs of local business and industry,
7 and promotes workforce development.

8 (b) The board of education shall also create, subject to §§ 16-45.1-1 and 16-45.1-2(a), a
9 career and technical board of trustees that shall be responsible for ensuring a comprehensive and
10 coordinated career and technical system with the state of Rhode Island.

11 SECTION 2. Sections 16-53-1, 16-53-2, 16-53-4, 16-53-5 and 16-53-6 of the General
12 Laws in Chapter 16-53 entitled "Rhode Island State Advisory Council for Technical Vocational
13 Education" are hereby amended to read as follows:

14 **16-53-1. ~~Council established.~~ Board established.** -- (a) ~~There~~ Effective January 30,
15 2015, there is hereby established a ~~permanent committee to be known as the Rhode Island state~~
16 ~~advisory council on vocational education, hereinafter referred to as the council.~~ Rhode Island
17 board of trustees on career and technical education hereinafter referred to as the "board of
18 trustees."

19 (b) Effective January 30, 2015, all powers, rights, obligations, and duties of the Rhode
20 Island state advisory council on vocational education shall be transferred to the Rhode Island
21 board of trustees on career and technical education.

22 **16-53-2. ~~Composition of council.~~ ~~Composition of board of trustees.~~** -- (a) The
23 ~~council~~ board of trustees shall be composed of ~~thirteen (13)~~ fifteen (15) members appointed by
24 the governor in staggered terms; all the members shall serve until their successors are appointed
25 and qualified, except as otherwise provided for in subsection (b) of this section. In the month of
26 March, the governor shall appoint members to succeed the members whose term will then next
27 expire for a term of three (3) years commencing on the first day of July then next following and
28 until the successor is named and qualified. A member shall be eligible to succeed himself or
29 herself. A vacancy other than by expiration shall be filled in the same manner as an original
30 appointment but only for the unexpired portion of the term.

31 (b) The ~~membership of the council shall consist of:~~ fifteen (15) members of the board of
32 trustees shall be limited to nine (9) consecutive years of service and shall consist of:

33 (1) ~~Seven (7)~~ Nine (9) individuals who are representative of the private employment
34 sector in the following manner: ~~state who shall constitute a majority of the membership:~~

1 (i) Five (5) of whom shall be representative of business, industry, and agriculture
2 including:

3 ~~(A) One member who is representative of small business concerns; and~~

4 ~~(B) One member who is a private sector member of the state job training coordinating~~
5 ~~council (established pursuant to section 122 of the Job Training Partnership Act, 29 U.S.C section~~
6 ~~1532); and~~

7 ~~(ii) Two (2) of whom shall be representatives of labor organizations;~~

8 (A) Two (2) members who are representatives of general business concerns;

9 (B) One member who is a representative of small business concerns;

10 (C) One member who is a private sector member of the governor's workforce board, or
11 the Rhode Island workforce investment board or state job training coordinating council
12 (established pursuant to section 122 of the Job Training Partnership Act, 29 U.S.C. 1532); and

13 (D) One member who is a representative of the CTE trust established pursuant to this
14 chapter;

15 (ii) Two (2) members who are representatives of labor organizations, one of whom must
16 be a career and technical teacher; and

17 (iii) Two (2) members from trade associations representing employers in the state.

18 (2) ~~Six (6)~~ Five (5) individuals who are representative of secondary and postsecondary
19 ~~vocational~~ educational institutions including: ~~(equitably distributed among those institutions),~~
20 ~~career guidance and counseling organizations within the state, individuals who have special~~
21 ~~knowledge and qualifications with respect to the special educational and career development~~
22 ~~needs of special populations (including women, the disadvantaged, individuals with disabilities,~~
23 ~~individuals with limited English proficiency, and minorities) and of whom one member shall be~~
24 ~~representative of special education.~~

25 (i) One member who is a representative of the Rhode Island association of school
26 superintendents;

27 (ii) One member who is a representative or the director of career and technical education
28 programs and/or facilities;

29 (iii) The commissioner of elementary and secondary education, or his/her designee;

30 (iv) The commissioner of higher education, or his/her designee; and

31 (v) One member who is a representative of adult education and skills training.

32 (3) The secretary of commerce or his/her designee shall be the fifteenth (15th) member ex
33 officio.

34 (c) In selecting individuals to serve on the state ~~council;~~ board, due consideration shall

1 be given to the appointment of individuals who serve on a private industry council under the Job
2 Training Partnership Act (established pursuant to 29 U.S.C. section 1512), or on ~~state~~ councils
3 established under other related federal acts.

4 (d) Members of the ~~council~~ board of trustees may not represent more than one of the
5 above specified categories; and there shall be appropriate representation of both sexes, racial, and
6 ethnic minorities, and the various geographic regions of the state.

7 (e) The state shall certify the establishment and membership of the state ~~council~~ board of
8 trustees at least ninety (90) days prior to the beginning of each planning period described in
9 section 113(a)(1) of United States Public Law 98-524, 20 U.S.C. section 2323(a)(1).

10 **16-53-4. Qualifications of members.** -- Each appointed member of the ~~council~~, board of
11 trustees, before entering upon his or her duties, shall take an oath to administer the duties of his or
12 her office faithfully and impartially, and the oath shall be filed in the office of the secretary of
13 state.

14 **16-53-5. Officers of the council. Officers of the board of trustees.** -- The officers of
15 the ~~council~~ board of trustees shall be a chairperson, appointed by the governor, who shall be a
16 representative of the private sector and vice chairperson elected from the membership. Officers
17 shall be elected annually by a majority vote of the ~~council~~ board of trustees members; a majority
18 of the appointed members shall constitute a quorum. Upon allocation of designated state funding
19 for the purpose of supporting the board of trustees' duties and activities; the ~~council~~ board of
20 trustees is authorized to obtain, or to contract for, any services that may be necessary to enable it
21 to carry out its duties. A majority vote of those present shall be required for action.

22 **16-53-6. Expenses of members.** -- The members of the ~~council~~ board of trustees shall
23 serve without compensation, ~~but shall be reimbursed for their expenses necessarily incurred in the~~
24 ~~performance of their duties in accordance with state law, regulations, and practices.~~

25 SECTION 3. Section 16-53-3 of the General Laws in Chapter 16-53 entitled "Rhode
26 Island State Advisory Council for Technical Vocational Education" is hereby amended to read as
27 follows:

28 **16-53-3. Functions and responsibilities. Duties and responsibilities.** -- (a) The
29 ~~council~~ board of trustees shall:

30 (1) ~~Meet with the board of regents for elementary and secondary education or its~~
31 ~~representatives during the planning year to advise on the development of the state plan;~~ Advise
32 the commissioner of elementary and secondary education and the board of education on the
33 development of a biannual state plan for career and technical education;

34 (2) Advise the ~~board of regents~~ commissioner of elementary and secondary education so

1 ~~that he/she may and~~ make reports to the governor, the business community, and general public of
2 the state, concerning:

3 (i) Policies the state should pursue to strengthen ~~vocational~~ career and technical
4 education; ~~(with particular attention to programs for individuals with disabilities); and~~

5 (ii) Initiatives and methods the private sector could undertake to assist in the
6 modernization of ~~vocational~~ career and technical education programs;

7 ~~(3) Analyze and report on the~~ (iii) The distribution of spending for ~~vocational~~ career and
8 technical education in the state and on the availability of ~~vocational~~ career and technical
9 education activities and services within the state; and

10 (iv) The integration and coordination of the various policies and procedures involving
11 career and technical education.

12 ~~(4) (3)~~ (3) Furnish consultation to the commissioner of elementary and secondary education
13 and the board of education of regents on the ~~establishment of~~ evaluation criteria and processes for
14 ~~vocational~~ career and technical education programs within the state; as they pertain to:

15 (i) The establishment, continuation, and discontinuation of career preparation programs;

16 (ii) Incentives that promote and reward program excellence on the basis of performance;

17 (iii) Incentives that emphasize the needs of business and labor organizations;

18 (iv) Instructor preparation and qualifications in the areas of industry credentialing,
19 development opportunities, and relevant field-based experiences;

20 (v) The integration of academic and technical instruction and skill attainment in career
21 preparation programs; and

22 (vi) The management and distribution of state funding allocated for the express purpose
23 of establishing or improving career preparation program model sites.

24 ~~(5) Submit recommendations to the board of regents on the conduct of vocational~~
25 ~~education programs conducted in the state which emphasize the use of business concerns and~~
26 ~~labor organizations;~~

27 ~~(6) (4) Assess~~ (4) Assess Provide advice and consent on the policy principles and goals that govern
28 the distribution of financial assistance furnished under this chapter, particularly with the analysis
29 of the distribution of financial assistance between secondary ~~vocational~~ career and technical
30 education programs and postsecondary ~~vocational~~ career and technical education programs;

31 (5) Report annually to the board of education on topics that include:

32 ~~(7) Recommend~~ (i) Recommended procedures to ~~the board of regents~~ ensure and enhance
33 the participation of the public in the provision of ~~vocational~~ career and technical education at the
34 local level within the state, particularly the participation of local employers and local labor

1 organizations; and

2 ~~(8) Report to the board of regents on the~~ (ii) The extent to which the individuals
3 described in former section 201(b) of United States Public Law 98-524, 20 U.S.C. section
4 2331(b), are provided with equal access to quality ~~vocational~~ career and technical education
5 programs;

6 ~~(9) (i) (6) Evaluate~~ Furnish consultation to the commissioner of elementary and
7 secondary education to evaluate, at least once every two (2) years, the ~~vocational~~ career and
8 technical education program delivery systems assisted under this chapter, and ~~under the Job~~
9 ~~Training Partnership Act, 29 U.S.C. section 1501 et seq., in terms of their adequacy and~~
10 ~~effectiveness in achieving the purposes of each of the two (2) acts, and make recommendations to~~
11 ~~the state board on the adequacy and effectiveness of the coordination that takes place between~~
12 ~~vocational education and the Job Training Partnership Act; and~~

13 ~~(ii) Advise the governor, the board of regents, the state job training coordinating council,~~
14 ~~the United States secretary of education, and the United States secretary of labor of these findings~~
15 ~~and recommendations; and~~ make recommendations to stakeholders on the adequacy and
16 effectiveness of the coordination between career and technical education and the workforce
17 demands of the Rhode Island economy and post-secondary workforce development;

18 ~~(10) (7)~~ Comply with all federal statutes, requirements, regulations, and guidelines, and
19 in particular, United States Public Law 98-524 and any amendments to it;

20 (8) Establish, support, and expand private sector participation programs that enhance
21 career and technical education at the local level within the state, particularly the participation of
22 local employers and local labor organizations in providing funding, equipment, training,
23 apprenticeships, work-study programs, and other services that will enhance student experiences.

24 (9) Subject to the approval of the board of education, assume management and
25 jurisdiction of state-owned and operated career and technical schools, at the request of the
26 governing body of the school with a consultation from the executive director of the state-owned
27 school, and assume management of such other career and technical schools as agreed to by local
28 education districts and with a recommendation from the superintendent of schools.

29 (b) In the event that the governing board of a state-owned and operated career and
30 technical school, or a local education agency in accordance with § 16-53-3(a)(8), requests the
31 board of trustees to assume management and jurisdiction of its career and technical school, then
32 the board of education may assign the care management and responsibility of career and technical
33 facilities to the board of trustees for the express purpose of providing coordinated career and
34 technical educational services. Prior to the assignment of the care, management, and

1 responsibility of the school, the trustees shall prepare a plan that shall examine and make
2 recommendations over the:

3 (1) Management of the career and technical school, including, but not limited to:

4 (i) Including how the conversion from a separate school facility to a statewide system
5 will impact:

6 (A) Personnel;

7 (B) Labor agreements, including existing collective bargaining agreements;

8 (C) Contractual obligations outside of labor agreements;

9 (D) Management structure;

10 (E) Program offerings;

11 (F) Admission policies;

12 (G) Facilities; and

13 (H) Other items as requested by RIDE or the board of education.

14 (2) Management of other state owned facilities for the sole purpose of offering career and
15 technical programs; and

16 (3) Method of assuming ownership and management of career and technical facilities
17 within the state that were transferred, including the integration of programs, curriculum,
18 offerings, and the relationship of matching academic requirements to career and technical
19 education to enhance student outcomes.

20 (c) In the event the board of trustees assumes responsibility pursuant to § 16-53-3(b), the
21 board of trustees shall act with the same authority as a local school committee.

22 (d) In the event the board of trustees assumes responsibility pursuant to § 16-53-3(a)(8),
23 the board of trustees shall recognize the collective bargaining representatives of all affected
24 employees in each collective bargaining unit and shall recognize the collective bargaining
25 agreements in effect for all affected employees.

26 SECTION 4. Chapter 16-53 of the General Laws entitled "Rhode Island State Advisory
27 Council for Technical Vocational Education" is hereby amended by adding thereto the following
28 sections:

29 **16-53-7.1. Trustee funding.** -- The trustees shall be supported by funding to provide for
30 the initiation and start-up of the trustees, and for any ongoing expenses.

31 **16-53-8. Creation of career and technical education trust.** -- (a) Rhode Island CTE
32 trust established. – Effective January 15, 2015, there is hereby created a permanent, not-for- profit
33 corporation to be known as the Rhode Island CTE trust on career and technical education.

34 (b) Composition of the CTE trust. The power of the trust shall be vested in nine (9)

1 members appointed originally by the governor in staggered terms. All the members shall serve
2 until their successors are appointed and qualified. After the original appointments, the CTE trust
3 shall have authority to appoint successors to fill terms for seven (7) of the members set forth in
4 subsection (d)(1) of this section.

5 (c) The CTE trust shall coordinate with, but shall remain independent from, both RIDE
6 and the board of education.

7 (d) The membership of the CTE trust shall be as follows:

8 (1) Seven (7) individuals who are representative of the private sector in the state who
9 shall constitute a majority of the membership. From among this group, five (5) members shall be
10 representative of business, industry, and agriculture, including, but not limited to:

11 (i) At least one representative from the various trades that are performed in the state; and

12 (ii) At least one representative from any trade association representing various career and
13 technical education career clusters established by the U.S. Department of Education.

14 (2) The secretary of commerce for Rhode Island; and

15 (3) A member of the governor's workforce training board, appointed by the governor.

16 The governor shall make the reappointment to this position.

17 (e) A member shall be eligible to succeed himself or herself.

18 (f) The governor shall make all appointments to the CTE trust on or before January 15,
19 2015.

20 **16-53-9. Functions and responsibilities of the career and technical education trust.--**

21 The trust shall:

22 (1) Create partnerships with various employers to provide for internships, apprenticeship
23 programs, voluntary work relationships, and other such partnerships that provide for student
24 learning;

25 (2) Provide advisory assistance to the board of trustees in the development of programs,
26 curriculum, areas of focus, and concentration;

27 (3) Raise funds for the use of the organization to provide grants and loans to the state
28 board and for other purposes as determined by the private board; and

29 (4) Provide any other assistance to the state board, board of education, or to the general
30 assembly.

31 **16-53-10. Trust debts and obligations. --** Debts and obligations of the CTE trust shall
32 not be or constitute a debt of the state, or any department, municipality, or subdivision thereof.

33 **16-53-11. Career and technical trust. - Responsibility. –** The state of Rhode Island is
34 not responsible for the career and technical trust.

1 **16-53-12. Trust gifts, grants and donations.** -- [The trust is authorized to receive any](#)
2 [gifts, grants, or donations made for any of the purposes of its program, including state and federal](#)
3 [funds, and to disburse and administer the gifts, grants, or donations in accordance with its terms,](#)
4 [subject to applicable law.](#)

5 SECTION 5. Section 3 of this act shall take effect on January 30, 2015 except §§ 16-53-
6 3(a)(9), 16-53-3(b), 3(c), and 3(d) of Section 3 which shall take effect January 1, 2016. The
7 remainder of this act shall take effect upon passage.

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LC005689/SUB A/4
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would establish a new permanent Rhode Island board of trustees on career and
2 technical education, which would assume and expand upon the duties of the former Rhode Island
3 state advisory council on vocational education. The board may take control over a career and
4 technical high school at the request of a school board serviced by the school. The act would also
5 create the Rhode Island CTE trust on career and technical education to help raise funds for and to
6 promote partnerships to provide for student learning in career and technical education.

7 Section 3 of this act would take effect on January 30, 2015. The remainder of this act
8 would take effect upon passage.

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