

2019 -- H 5435

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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 - BOARD OF EDUCATION QUALIFICATIONS

Introduced By: Representatives Amore, Messier, O'Brien, and Caldwell

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

4           **16-59-2. Appointment of members of the council on postsecondary education.**

5           (a) The governor shall establish the council for postsecondary education by appointing  
6 eight (8) members of the board of education established pursuant to chapter 16-97 to serve as  
7 members of the council, until the expiration of their term as a member of the board of education  
8 and their successor is appointed. In addition the governor shall appoint one (1) student member  
9 who shall be a full time student in good standing at the University of Rhode Island, Rhode Island  
10 College or the Community College of Rhode Island and who shall serve in a non-voting, ex-  
11 officio capacity for a single two (2) year term and shall rotate among the three (3) public  
12 institutions. ~~The governor shall appoint the chair of the council on an annual basis from among~~  
13 ~~the eight (8) voting council members.~~ The chair of the council shall be elected by the council on  
14 an annual basis from among the eight (8) voting council members. The chair of the board of  
15 education shall serve on the council in voting, ex-officio capacity. Five (5) voting members of the  
16 council shall constitute a quorum and the vote of a majority of those present and voting shall be  
17 required for action.

18           **(b) No person shall be eligible for appointment to the board after the effective date of this**  
19 **section unless they have prior experience as a public higher education faculty, public higher**

1 [education employee, public higher education administrator, or served on the higher education](#)  
2 [assistance authority.](#)

3 SECTION 2. Section 16-60-2 of the General Laws in Chapter 16-60 entitled "Council on  
4 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of  
5 Education Act]" is hereby amended to read as follows:

6 **16-60-2. Appointment of board members.**

7 (a) The governor shall establish the council on elementary and secondary education by  
8 appointing eight (8) members of the board of education established pursuant to chapter 16-97 to  
9 serve as members of the council until the expiration of their term and appointment of their  
10 successor as a member of the board of education. The chair of the board of education shall serve  
11 on the council in a voting, ex-officio capacity. Five (5) voting members of the council shall  
12 constitute a quorum and the vote of the majority of those present and voting shall be required for  
13 action. ~~The governor shall appoint the chair of the council on an annual basis from among the~~  
14 ~~eight (8) council members.~~ [The chair of the council shall be elected by the council on an annual](#)  
15 [basis from among the eight \(8\) voting council members.](#)

16 (b)(1) No person shall be eligible for appointment to the board after the effective date of  
17 this act [March 24, 2006] unless he or she is a resident of this state.

18 [\(2\) No person shall be eligible for appointment to the board after the effective date of this](#)  
19 [section unless they have prior experience as a public higher education faculty, public higher](#)  
20 [education employee, public higher education administrator, or served on the higher education](#)  
21 [assistance authority.](#)

22 (c) There is hereby established a student advisory council to the council on elementary  
23 and secondary education, consisting of one elected high school student representative from each  
24 public secondary school in the state of Rhode Island.

25 (1) Each public secondary school shall hold elections for its representative to the student  
26 advisory council no earlier than the first (1st) day of March and no later than the end of the  
27 second (2nd) full week of April. Each school shall elect only one representative. Elected members  
28 shall be notified of their election on or before the Friday of the third (3rd) week of April of the  
29 year of their election. No person shall be eligible to be elected to the student advisory council  
30 unless at the time of his or her election he or she is enrolled as a student in a secondary school  
31 between the grades of nine (9) and eleven (11) within the state of Rhode Island. No person shall  
32 be allowed to vote if they are not currently enrolled in a Rhode Island public secondary school  
33 between the grades of nine (9) and eleven (11). If at any time during his or her term of office a  
34 member of the student advisory council ceases to be so enrolled, his or her membership shall be

1 terminated and his or her position shall be deemed vacant. This vacancy shall be filled by the  
2 public secondary school within thirty (30) school days of the opening of the vacancy.

3 (2) The student advisory council will serve from the first (1st) day of May of the year it is  
4 elected until the last day of April of the following year. A student may serve no more than three  
5 (3) terms.

6 (3) Said student advisory council shall meet from time to time and shall consider such  
7 matters as it deems appropriate.

8 (4) Prior to the first (1st) day of June of each annual session the student advisory council  
9 shall adopt a set of bylaws.

10 (5) Members of the council shall not be compensated for service in attending meetings  
11 except that they shall be reimbursed for necessary expenses incurred in travelling to and from  
12 meetings.

13 (6) The members of said student advisory council shall, by majority vote prior to the first  
14 (1st) day of June in each year, elect from their members a chairperson who shall serve for a term  
15 of one year beginning on the first (1st) day of June. Said chairperson shall serve as an ex officio  
16 and nonvoting member of the council for a term of one year, unless the student advisory council  
17 removes said chairperson from his or her position in a manner described within the bylaws of that  
18 council.

19 SECTION 3. Section 16-97-1 of the General Laws in Chapter 16-97 entitled "The Rhode  
20 Island Board of Education Act" is hereby amended to read as follows:

21 **16-97-1. Rhode Island board of education established.**

22 (a) Effective January 1, 2013, there is created a board of education that shall be  
23 responsible for and shall exercise the purposes, powers, and duties of, this chapter and chapters  
24 59 and 60 of this title. The board is responsible for the coordination of education from pre-k  
25 through higher education and shall set goals and policies for the effective coordination of these  
26 public education systems.

27 (b)(1) The board of education shall consist of seventeen (17) public members appointed  
28 by the governor with the advice and consent of the senate, eight (8) of whom shall be designated  
29 to serve on the council for elementary and secondary education and eight (8) of whom shall be  
30 designated to serve on the council for postsecondary education. The chairperson of the board  
31 shall serve as a member of both councils. Six (6) of the members initially appointed pursuant to  
32 this section shall serve terms of three (3) years; six (6) members initially appointed pursuant to  
33 this section shall serve terms of two (2) years; and, four (4) members initially appointed pursuant  
34 to this section shall serve terms of one year. To the greatest extent possible, the initial staggered

1 terms shall be equitably divided among the councils so as to protect against sudden changes in  
2 membership and reversal of policy. Thereafter, all members appointed pursuant to this section  
3 shall serve terms of three (3) years. At the expiration of their terms, members shall remain and  
4 continue in their official capacity until their successor is appointed and qualified. Members shall  
5 not be appointed to more than three (3), successive three-year (3) terms each; provided that the  
6 chair of the board shall have no term and shall serve at the pleasure of the governor. Any vacancy  
7 among the members of the board shall be filled by appointment of the governor for the remainder  
8 of the unexpired term. In the selection and appointment of the board, the governor shall seek  
9 persons who best serve the needs of the entire state. No person shall be eligible for appointment  
10 to the board after the effective date of this act unless a resident of this state. Members of the board  
11 shall not be compensated for their service in attending board or council meetings.

12 (2) No person shall be eligible for appointment to the board after the effective date of this  
13 section unless they have prior experience as a public higher education faculty, public higher  
14 education employee, public higher education administrator, or served on the higher education  
15 assistance authority.

16 (c) The chair of the Governor's Workforce Board, or designee, and the chair of the Rhode  
17 Island Commerce Corporation, or designee, shall serve as non-voting, ex-officio members of the  
18 board.

19 (d) The governor shall select from the appointed members a chairperson and vice  
20 chairperson. A quorum shall consist of nine (9) members of the board. A majority vote of those  
21 present shall be required for action.

22 (e) Except as provided by subsection (b) of this section, members of the board shall be  
23 removable by the governor for cause only. Removal solely for partisan or personal reasons  
24 unrelated to performance, capacity, or fitness for the office shall be unlawful.

25 (f) The statutory responsibilities of the department of elementary and secondary  
26 education, the commissioner of elementary and secondary education, and the commissioner of  
27 postsecondary education shall remain unchanged.

28 (g) The chair of the board of education shall consult with the chairs of the council on  
29 elementary and secondary education, the council on postsecondary education, the commissioner  
30 of elementary and secondary education, and the commissioner of postsecondary education in  
31 developing agendas, goals, policies, and strategic plans for the board.

32 SECTION 4. 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 - BOARD OF EDUCATION QUALIFICATIONS

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1           This act would provide that the chair of the council for post secondary education and the  
2 chair of the council on elementary and secondary education be elected by the council members. In  
3 addition, each member of the board of education would be required to have prior experience in a  
4 higher education position.

5           This act would take effect upon passage.

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