

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Senators Pearson, McCaffrey, and Algieri

Date Introduced: May 08, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State  
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island  
3 Board of Education Act]" is hereby amended to read as follows:

4 **16-1-5. Duties of commissioner of elementary and secondary education.**

5 ~~It shall be the duty of the commissioner of elementary and secondary education:~~

- 6 ~~(1) To carry out the policies and program formulated by the board of regents for~~  
7 ~~elementary and secondary education.~~
- 8 ~~(2) To evaluate credentials of applicants for certificates, to verify that the certification of~~  
9 ~~teachers is in accordance with law and established standards, and to issue certificates at the~~  
10 ~~direction of the board.~~
- 11 ~~(3) To certify the approval of accredited schools.~~
- 12 ~~(4) To recommend to the board an outline of the subjects and courses of study and the~~  
13 ~~instructional standards for elementary and secondary schools.~~
- 14 ~~(5) To approve the distribution of state school funds in accordance with law and the~~  
15 ~~regulations of the board.~~
- 16 ~~(6) To verify that school sites and school building plans are in accordance with law and~~  
17 ~~regulations.~~
- 18 ~~(7) To exercise supervision over school libraries and library services.~~
- 19 ~~(8) To certify that school bus routes and schedules and all contracts for pupil~~

1 ~~transportation conform with provisions of law and the rules and regulations of the board.~~

2 ~~(9) To require the observance of all laws relating to schools and education.~~

3 ~~(10) To interpret school law and to decide such controversies as may be appealed to the~~

4 ~~commissioner from decisions of local school committees.~~

5 ~~(11) To prepare and recommend standard forms for the use of local schools.~~

6 ~~(12)(i) To prepare, with the assistance of the department of administration, manuals of~~

7 ~~uniform budgetary and standard financial records and procedures for local school officers. The~~

8 ~~board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,~~

9 ~~and those procedures should include, at a minimum, the following:~~

10 ~~(A) Provision for uniform classification of revenues and expenditures;~~

11 ~~(B) Requirements of detailed expenditure estimates and a table of organization including~~

12 ~~the proposed staffing of each school;~~

13 ~~(C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the~~

14 ~~current and ensuing fiscal years; and~~

15 ~~(ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000)~~

16 ~~not otherwise appropriated shall be included in the appropriation made to support the department~~

17 ~~of elementary and secondary education.~~

18 ~~(13) To receive general supervision from the board of regents for elementary and~~

19 ~~secondary education and to appoint the several officers and employees of the department subject~~

20 ~~to the provisions of the State Merit System Act, chapters 3 and 4 of title 36.~~

21 ~~(14) To establish health education, alcohol and substance abuse programs for students in~~

22 ~~grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will~~

23 ~~consist of the following: A mandated state health education, alcohol and substance abuse,~~

24 ~~curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in~~

25 ~~the areas of health, fitness, alcohol and substance abuse, and an in-service training program which~~

26 ~~will be developed specifically for the implementation of the mandated curriculum.~~

27 ~~(15)(i) To appoint a three (3) member committee for the purpose of choosing a "teacher~~

28 ~~of the year" among teachers in public school grades kindergarten (K) through twelve (12). The~~

29 ~~"teacher of the year" shall receive an award of one thousand dollars (\$1,000).~~

30 ~~(ii) It is the intent of the general assembly that the funds necessary to carry out the~~

31 ~~provisions of this subdivision shall be provided within the annual appropriations act.~~

32 (a) The council on elementary and secondary education ("the council"), with the advice

33 and consent of the board of education ("the board"), shall appoint a commissioner of elementary

34 and secondary education ("the commissioner"). The commissioner shall serve at the pleasure of

1 the council, provided that the commissioner's initial engagement by the council shall be for a  
2 period of not more than three (3) years.

3 (b) The position of commissioner shall be in the unclassified service of the state, and he  
4 or she shall serve as the chief executive officer of the council and as the chief administrative  
5 officer of the department.

6 (c) The commissioner of elementary and secondary education shall have the duties that  
7 are defined in this section and in this title and any other additional duties that may be determined  
8 by the council, and the commissioner shall perform any other duties that may be vested in the  
9 commissioner by law.

10 (d) In addition to the general supervision of the department and the appointment of the  
11 several officers and employees of the department, it shall be the duty of the commissioner:

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

15 (2) To prepare a master plan for elementary and secondary education in the state, which  
16 coordinates the goals and objectives of the public elementary and secondary education sector with  
17 the activities of the nonpublic elementary and secondary education sector where feasible;

18 (3) To implement broad policy as it pertains to the goals and objectives established by the  
19 board of education; to enforce standards; and to exercise general supervision over public  
20 elementary and secondary education in the state and over all elementary and secondary nonpublic  
21 education in the state;

22 (4) To perform the duties vested in the board and the council with relation to nonpublic  
23 elementary and secondary educational institutions within the state under the terms of chapter 40  
24 of this title, and other laws that affect nonpublic elementary and secondary education in the state;

25 (5) To communicate with and to seek the advice of those concerned with and affected by  
26 the board's and the council's determinations;

27 (6) To institute a process to review and revise statewide academic standards for the core  
28 subjects of mathematics, English language arts, science and technology, history and social  
29 studies, world languages, and the arts;

30 (7) To develop statewide academic standards for the core subjects of mathematics,  
31 English language arts, science and technology, history and social studies, world languages, and  
32 the arts;

33 (8) To institute a process for reviewing and revising curriculum frameworks that align  
34 with the statewide academic standards for mathematics, English language arts, science and

- 1 technology, history and social studies, world languages, and the arts;
- 2 (9) To develop curriculum frameworks that align with the statewide academic standards  
3 for mathematics, English language arts, science and technology, history and social studies, world  
4 languages, and the arts;
- 5 (10) To institute a process for reviewing and identifying high-quality curriculum and  
6 materials in English language arts, mathematics, science and technology, history and social  
7 studies, world languages, and the arts;
- 8 (11) To identify high-quality curriculum and materials in English language arts,  
9 mathematics, science and technology, history and social studies, world languages, and the arts.
- 10 (12) To prepare a plan each year for providing statewide assistance in the preparation and  
11 implementation of professional development plans;
- 12 (13) To assist the council on elementary and secondary education in the preparation and  
13 presentation annually to the state budget officer, in accordance with § 35-3-4, of a total state  
14 elementary and secondary educational budget, which shall include, but not be limited to, the  
15 budget of the department of elementary and secondary education, subcommittees, and agencies,  
16 and state aid to local school districts;
- 17 (14) Upon direction of the council on elementary and secondary education, to approve the  
18 distribution and allocation of state school funds in accordance with law and the regulations of the  
19 council on elementary and secondary education, including but not limited to, state aid to local  
20 school districts;
- 21 (15) To be responsible, upon direction of the council on elementary and secondary  
22 education, for the allocation of appropriations, the acquisition, holding, disposition, and general  
23 management of property;
- 24 (16) To be responsible for the coordination of the various elementary and secondary  
25 educational functions among the local educational agencies (LEAs) of the state, and to encourage  
26 and to assist in the cooperation among them in order to achieve maximum efficiency and  
27 economy;
- 28 (17) To carry out the policies and programs formulated by the council on elementary and  
29 secondary education;
- 30 (18) To supervise the operation of the department of elementary and secondary  
31 education, to have the duties as defined in this chapter, and other additional duties and  
32 responsibilities that may be assigned by the council on elementary and secondary education;
- 33 (19) To receive general supervision from the council on elementary and secondary  
34 education and to appoint the several officers and employees of the department subject to the

1 provisions of the State Merit System Act, chapters 3 and 4 of title 36;  
2 (20) To supervise the following specific functions:  
3 (i) To recommend to the board the basic subjects and courses of study to be taught and  
4 instructional standards to be maintained in the public elementary and secondary schools in the  
5 state;  
6 (ii) To recommend standards and qualifications of teachers; to evaluate credentials of  
7 applicants for certificates; to verify that the certification of teachers is in accordance with law and  
8 established standards; and to issue certificates upon approval of standards and qualifications by  
9 the council on elementary and secondary education, at the direction of the board;  
10 (iii) To certify as to the necessity of school construction and that standards and design are  
11 in accordance with law and regulations of the council on elementary and secondary education; to  
12 approve a design for school construction throughout the state; and to verify that school sites and  
13 school building plans are in accordance with law and regulations;  
14 (iv) To certify that school library standards and services are in accordance with law and  
15 regulations of the council on elementary and secondary education and to exercise supervision  
16 over school libraries and library services;  
17 (v) To recommend to the council on elementary and secondary education relating to the  
18 transportation of pupils to school and to certify that school bus routes and schedules and all  
19 contracts for pupil transportation conform with provisions of law and the rules and regulations of  
20 the council;  
21 (vi) To require the observance of all laws relating to elementary and secondary schools  
22 and education;  
23 (vii) To interpret school law and to decide such controversies as may be appealed to the  
24 commissioner from decisions of local school committees;  
25 (viii) To prepare and recommend standard forms for use by local schools when reporting  
26 to the department of elementary and secondary education;  
27 (ix)(A) To prepare, with the assistance of the department of administration, manuals of  
28 uniform budgetary and standard financial records and procedures for local school officers; to  
29 prepare uniform budgeting procedures for local school districts; and to prepare standard  
30 accounting and auditing procedures for local school districts, except for the purposes of § 16-24-  
31 2(3), which shall be done in conjunction with the auditor general. The council shall adopt uniform  
32 local school budgeting procedures no later than July 1, 1989, and those procedures should  
33 include, at a minimum, the following:  
34 (I) Provisions for uniform classification of revenues and expenditures;

1           (II) Requirements of detailed expenditure estimates and a table of organization including  
2 the proposed staffing of each school; and

3           (III) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the  
4 current fiscal year, and ensuing fiscal years.

5           (B) To carry out the purpose of this subsection, a sum of ten thousand dollars (\$10,000)  
6 not otherwise appropriated shall be included in the appropriation made to support the department  
7 of elementary and secondary education; and

8           (x) To determine when special purpose grants made to local school districts shall be  
9 eligible for reimbursement through the school operations aid formula in accordance with chapter  
10 7 of this title, and to designate the purpose(s) for which the local school district may use the  
11 school operations aid reimbursement, including reimbursement on local matching funds used to  
12 support the special purpose grant. The commissioner shall promulgate and adopt rules and  
13 regulations to carry out the intent of this subsection;

14           (21) To establish health education and alcohol and substance use disorder programs for  
15 students in grades prekindergarten (pre-K) through twelve (12), in accordance with § 35-4-18.  
16 The program will consist of the following:

17           (i) A mandated state health education and alcohol and substance use disorder curriculum  
18 for grades prekindergarten (pre-K) through twelve (12);

19           (ii) A mandated assessment program in the areas of health, fitness, and alcohol and  
20 substance use disorder; and

21           (iii) An in-service training program that will be developed specifically for the  
22 implementation of the mandated curriculum;

23           (22) To appoint a three (3) member committee for the purpose of choosing a "teacher of  
24 the year" among teachers in public school grades prekindergarten (pre-K) through twelve (12).  
25 The "teacher of the year" shall receive an award of one thousand dollars (\$1,000).

26           (i) It is the intent of the general assembly that the funds necessary to carry out the  
27 provisions of this subsection shall be provided within the annual appropriations act.

28           (23) To approve and accredit elementary and secondary schools in accordance with the  
29 policy and regulations of the council on elementary and secondary education and to certify the  
30 approval of accredited schools;

31           (24) To be responsible for the administration of policies, rules, and regulations of the  
32 board of education and the council on elementary and secondary education with relation to the  
33 entire field of elementary and secondary education within the state, not specifically granted to any  
34 other department, board, or agency and not incompatible with law; and

1 [\(25\) To receive from law enforcement agencies a list periodically of the names of Rhode](#)  
2 [Island missing children and to disseminate these lists to local school districts.](#)

3 SECTION 2. Sections 16-2-9 and 16-2-11 of the General Laws in Chapter 16-2 entitled  
4 "School Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of  
5 Education Act]" are hereby amended to read as follows:

6 **16-2-9. General powers and duties of school committees.**

7 (a) ~~The~~ [Unless the responsibility is otherwise delegated by this chapter, the](#) entire care,  
8 control, and management of all public school interests of the several cities and towns shall be  
9 vested in the school committees of the several cities and towns. School committees shall have, in  
10 addition to those enumerated in this title, the following powers and duties:

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

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

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

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

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

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

20 (7) To approve a master plan defining goals and objectives of the school system. These  
21 goals and objectives shall be expressed in terms of what men and women should know and be  
22 able to do as a result of their educational experience. The committee shall periodically evaluate  
23 the efforts and results of education in light of these objectives.

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

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

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

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

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

34 ~~(13) To give advice and consent on the appointment by the superintendent of all school~~

1 ~~department personnel.~~

2 ~~(14)~~(13) To establish minimum standards for personnel, to adopt personnel policies, and

3 to approve a table of organization.

4 ~~(15)~~(14) To establish standards for the evaluation of personnel.

5 ~~(16)~~(15) To establish standards for conduct in the schools and for disciplinary actions.

6 ~~(17)~~(16) To hear appeals from disciplinary actions.

7 ~~(18)~~(17) To enter into contracts; provided, however, that notwithstanding any other

8 provision of the general or public laws, whether of specific or general application, and

9 notwithstanding the provisions of any charter of any municipality where the school committee is

10 appointed and not elected, but not including, the Central Falls school district board of trustees

11 established by § 16-2-34, the power and duty to enter into collective bargaining agreements shall

12 be vested in the chief executive officer of the municipality and not in the school committee.

13 ~~(19)~~(18) To publish policy manuals which shall include all school committee policies.

14 ~~(20)~~(19) To establish policies governing curriculum, courses of instruction, and ~~text~~

15 ~~books~~ textbooks.

16 ~~(21)~~(20) To provide for transportation services which meet or exceed standards of the

17 board of ~~regents for elementary and secondary~~ education.

18 ~~(22)~~(21) To make any reports to the department of education as are required by the board

19 of ~~regents for elementary and secondary~~ education.

20 ~~(23)~~(22) To delegate, consistent with law, any responsibilities to the superintendent as the

21 committee may deem appropriate.

22 ~~(24)~~(23) To address the health and wellness of students and employees.

23 ~~(25)~~(24) To establish a subcommittee of the school board or committee to decrease

24 obesity and address school health and wellness policies for students and employees consistent

25 with § 16-21-28.

26 ~~(26)~~(25) To annually undertake a minimum of six (6) hours of professional development

27 as set forth and described in § 16-2-5.1.

28 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers

29 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or

30 to allow any school committee to abrogate any agreement reached by collective bargaining.

31 (c) The elected school committees of each city, town, or regional school district, or the

32 chief executive officer of any municipality having an appointed school committee, shall have the

33 power to bind their successors and successor committees by entering into contracts of

34 employment in the exercise of their governmental functions.



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

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

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

18 (g) Notwithstanding any other provision of law, whether of general or specific  
19 application, and notwithstanding any contrary provision of any city or town charter or ordinance,  
20 the elected school committee of any city, town, and regional school district shall be, and is hereby  
21 authorized to retain the services of such independent legal counsel as it may deem necessary and  
22 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the  
23 school committee, and in no event shall the independent counsel be deemed to be an employee of  
24 the pertinent city or town for any purpose.

25 **16-2-11. General powers and duties of superintendent.**

26 (a) The superintendent of schools employed in accordance with the provisions of this  
27 chapter shall, under the direction of the school committee, have the care and supervision of the  
28 public schools and shall be the chief administrative agent of the school committee. The  
29 superintendent shall have any duties as are defined in this section and in this title and any other  
30 duties as may be determined by the school committee, and shall perform any other duties as may  
31 be vested in him or her by law. In addition to the care and supervision of public schools ~~and the~~  
32 ~~appointment of employees of the district~~, it shall be the duty of the superintendent:

33 (1) To implement policies established by the school committee.

34 (2) To recommend educational plans, policies, and programs to meet the needs of the

1 district.

2 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and  
3 transportation of students.

4 (4) To comply with provisions of federal and state law and local charter provisions and  
5 ordinances.

6 (5) To have administrative responsibility for the school system.

7 (6) ~~To oversee the care, control, and management of school facilities and equipment.~~ To  
8 appoint principals for each public school within the district at levels of compensation determined  
9 in accordance with policies established by the school committee.

10 (7) ~~To appoint all school department personnel with the consent of the school committee.~~  
11 To appoint administrators and other personnel not assigned to individual schools at levels of  
12 compensation determined in accordance with policies established by the school committee and  
13 collective bargaining agreements.

14 (8) To ~~administer~~ oversee the personnel function of the school department consistent with  
15 personnel standards, policies, and the table of organization established by the school committee.

16 (9) To provide for the evaluation of department personnel appointed by the  
17 superintendent.

18 (10) To prepare a school budget for consideration by the school committee.

19 (11) To authorize purchases consistent with the adopted school budget, policies, and  
20 directives of the school committee, and applicable municipal policies, ordinances, and charter  
21 provisions.

22 (12) To be responsible for keeping the records of the school system.

23 (13) To report to the school committee on a regular basis the financial condition of the  
24 school system.

25 (14) To ~~be responsible~~ oversee ~~for~~ discipline in the school system.

26 (15) To evaluate all schools within the school system and to report to the school  
27 committee the conformity with regulations of the board of ~~regents~~ education and the policies,  
28 programs, and directives of the school committee.

29 (16) To report to the school committee on the operation of the school system, including  
30 an annual report on the district's progress.

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

34 (c) If at any time during the fiscal year the superintendent of schools determines, or is

1 notified by the city or town chief charter officer or treasurer, that the estimated school expenses  
2 may exceed all revenue appropriated by the state or city or town or otherwise for public schools  
3 in the city or town, the superintendent of schools shall recommend to the school committee and  
4 shall, in order to provide for continuous regular public school operations consistent with the  
5 requirements of § 16-2-2 without regard to financial conditions, subsequently report to the city or  
6 town treasurer and chief charter officer what action will be taken to prevent an excess of  
7 expenditures, encumbrances, and accruals over revenues for public schools in the city or town.

8 SECTION 3. Chapter 16-2 of the General Laws entitled "School Committees and  
9 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
10 amended by adding thereto the following section:

11 **16-2-11.1. General powers and duties of school principals.**

12 (a) Principals employed under this section shall be the educational administrators and  
13 managers of their schools and shall supervise the operation and management of their schools and  
14 school property, subject to the supervision and direction of the superintendent. The principal shall  
15 have any duties as are defined in this section and in this title and shall perform any other duties as  
16 may be vested in him or her by law. In addition to serving as the educational administrator and  
17 manager of his or her school, it shall be the duty of the principal:

18 (1) In consultation with the school improvement team, to hire all teachers, athletic  
19 coaches, instructional or administrative aides, and other personnel assigned to the school,  
20 consistent with district personnel policies, collective bargaining agreements, and budgetary  
21 restrictions, and subject to the approval of the superintendent.

22 (2) To administer the personnel function of the school as it relates to any teachers,  
23 athletic coaches, instructional or administrative aides, and other personnel assigned to the school,  
24 consistent with district personnel policies, collective bargaining agreements, and budgetary  
25 restrictions, subject to review and prior approval by the superintendent and subject to the  
26 provisions of this chapter.

27 (3) To oversee the care, control, and management of school facilities and equipment.

28 (4) In consultation with the school improvement team, to prepare a school budget for  
29 consideration by the superintendent.

30 (5) To provide for the evaluation of personnel assigned to the school, including all  
31 teachers, consistent with the standards developed by the school committee pursuant to §16-2-  
32 9(a)(14).

33 (b) It shall be the responsibility of the principal, in consultation with professional staff of  
34 the building, to promote participatory decision making among all professional staff for the

1 [purpose of developing educational policy.](#)

2 [\(c\) Nothing in this section shall be deemed to limit or interfere with the rights of teachers](#)  
3 [and other school employees to collectively bargain pursuant to §28-9.3 and §28-9.4, or to allow](#)  
4 [any school principal to abrogate any agreement reached by collective bargaining.](#)

5 SECTION 4. Sections 16-53.1-2 and 16-53.1-3 of the General Laws in Chapter 16-53.1  
6 entitled "Rhode Island School Improvement Team Act" are hereby amended to read as follows:

7 **16-53.1-2. Establishment of school improvement teams.**

8 (a)(1) The school board or school committees of the cities and towns shall establish a  
9 school improvement team for each school in the district, and shall develop procedures for the  
10 election and appointment of school improvement team members. Each school improvement team  
11 shall be composed of the principal and an appropriately balanced number of teachers, education  
12 support employees, students, parents, and other business and community citizens who are  
13 representative of the ethnic, racial, and economic community served by the school, provided that  
14 vocational-technical center and high school school-improvement teams shall include students,  
15 and middle and junior high school school-improvement teams may include students. Members  
16 representing teachers, education support employees, students, and parents shall be selected by  
17 their peer groups at the school in a fair and equitable manner. [At the middle and high school](#)  
18 [levels, where there are designated department heads, those department heads will also be included](#)  
19 [on the school improvement team.](#)

20 (2) Business and other community members shall be selected by the school according to a  
21 procedure established by the school board. The school board shall review the membership  
22 composition of each school improvement team. Should the school board determine that the  
23 membership elected by the school is not representative of the ethnic, racial, and economic  
24 community served by the school, the board shall appoint additional members to achieve proper  
25 representation. For the purposes of school improvement teams, the term "teacher" includes  
26 classroom teachers, certified student services personnel, and media specialists. For purposes of  
27 this subsection, "education support employee" means any person employed by a school who is  
28 not defined as instructional or administrative personnel pursuant to law and whose duties require  
29 twenty (20) or more hours in each normal working week.

30 (b) The school board may establish a district school improvement team [that is](#)  
31 representative of the district and composed of teachers, students, parents, and other citizens or a  
32 district school improvement team ~~which~~ [that](#) may be comprised of representatives of each school  
33 improvement team.

34 **16-53.1-3. Duties of the school improvement teams.**

1           ~~Each school improvement team shall perform any functions that are prescribed by~~  
2 ~~regulations of the school board or school committee; no school improvement team shall have any~~  
3 ~~of the powers and duties now reserved by law to the school board. Each school improvement~~  
4 ~~team shall assist in the preparation and evaluation of the school improvement plans and shall~~  
5 ~~provide any assistance that the principal may request in preparing the school's annual budget and~~  
6 ~~plan as required by law.~~

7           (a) The school improvement team, including the school principal, shall meet regularly  
8 and shall assist in the identification of the educational needs of the students attending the school;  
9 make recommendations to the principal for the development, implementation, and assessment of  
10 the curriculum accommodation plan required pursuant to § 16-3.3-1; and shall assist in the review  
11 of the annual school budget and in the formulation of a school improvement plan, as provided in  
12 subsection (b) of this section.

13           (b) The principal of each school, in consultation with the school improvement team  
14 established pursuant to this section, shall on an annual basis, in conformity with § 16-3.3-3,  
15 develop and submit to the district superintendent a plan for improving student performance. The  
16 superintendent shall review and approve the plan, after consultation with the school committee.  
17 Plans shall be prepared in a manner and form prescribed by the department of elementary and  
18 secondary education and shall conform to any policies and practices of the district consistent  
19 therewith. If the superintendent does not approve a plan submitted by the principal, the plan shall  
20 be returned to the principal who shall, after consultation with the school improvement team,  
21 resubmit the plan to the superintendent who shall review and approve the resubmitted plan, after  
22 consultation with the school committee.

23           (c) Nothing contained in this section shall prevent the school committee from granting a  
24 school improvement team additional authority in the area of educational policy; provided,  
25 however, that school improvement teams shall have no authority over the rights of teachers and  
26 other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28, and  
27 provided further that school improvement teams have no authority to abrogate any agreement  
28 reached by collective bargaining.

29           SECTION 5. Section 16-59-6 of the General Laws in Chapter 16-59 entitled "Council on  
30 Postsecondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]"  
31 is hereby repealed.

32           ~~**16-59-6. Commissioner of postsecondary education.**~~

33           ~~The council on postsecondary education, with approval of the board, shall appoint a~~  
34 ~~commissioner of postsecondary education, who shall serve at the pleasure of the council,~~

1 provided that his or her initial engagement by the council shall be for a period of not more than  
2 three (3) years. For the purpose of appointing, retaining, or dismissing a commissioner of  
3 postsecondary education, the governor shall serve as an additional voting member of the council.  
4 The position of commissioner shall be in the unclassified service of the state and he or she shall  
5 serve as the chief executive officer of the council on postsecondary education, the chief  
6 administrative officer of the office of postsecondary commissioner, and the executive director of  
7 the division of higher education assistance. The commissioner of postsecondary education shall  
8 have any duties that are defined in this section and in this title and other additional duties as may  
9 be determined by the council, and shall perform any other duties as may be vested in him or her  
10 by law. In addition to these duties and general supervision of the office of postsecondary  
11 commissioner and the appointment of the several officers and employees of the office, it shall be  
12 the duty of the commissioner of postsecondary education:

13 (1) To develop and implement a systematic program of information gathering,  
14 processing, and analysis addressed to every aspect of higher education in the state, especially as  
15 that information relates to current and future educational needs.

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

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

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

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

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

34 (7) To recommend to the council on postsecondary education, after consultation with the

- 1 ~~presidents, a clear and definitive mission for each public institution of higher learning.~~
- 2 ~~(8) To annually recommend to the council on postsecondary education, after consultation~~  
3 ~~with the presidents, the creation, abolition, retention, or consolidation of departments, divisions,~~  
4 ~~programs, and courses of study within the public colleges and universities to eliminate~~  
5 ~~unnecessary duplication in public higher education, to address the future needs of public higher~~  
6 ~~education in the state, and to advance proposals recommended by the presidents of the public~~  
7 ~~colleges and universities pursuant to §§ 16-32-2.1, 16-33-2.1 and 16-33.1-2.1.~~
- 8 ~~(9) To supervise the operations of the office of postsecondary commissioner, including~~  
9 ~~the division of higher education assistance, and any other additional duties and responsibilities~~  
10 ~~that may be assigned by the council.~~
- 11 ~~(10) To perform the duties vested in the council with relation to independent higher~~  
12 ~~educational institutions within the state under the terms of chapter 40 of this title and any other~~  
13 ~~laws that affect independent higher education in the state.~~
- 14 ~~(11) To be responsible for the administration of policies, rules, and regulations of the~~  
15 ~~council on postsecondary education with relation to the entire field of higher education within the~~  
16 ~~state, not specifically granted to any other department, board, or agency and not incompatible~~  
17 ~~with law.~~
- 18 ~~(12) To prepare standard accounting procedures for public higher education and all public~~  
19 ~~colleges and universities.~~
- 20 ~~(13) To carry out the policies and directives of the board of education and the council on~~  
21 ~~postsecondary education through the office of postsecondary commissioner and through~~  
22 ~~utilization of the resources of the public institutions of higher learning.~~
- 23 ~~(14) To enter into interstate reciprocity agreements regarding the provision of~~  
24 ~~postsecondary distance education; to administer such agreements; to approve or disapprove~~  
25 ~~applications to voluntarily participate in such agreements from postsecondary institutions that~~  
26 ~~have their principal place of business in Rhode Island; and to establish annual fees, with the~~  
27 ~~approval of the council on postsecondary education, for aforesaid applications to participate in an~~  
28 ~~interstate postsecondary distance education reciprocity agreement.~~
- 29 ~~(15) To the extent necessary for participation, and to the extent required and stated in any~~  
30 ~~distance learning reciprocity agreement, to implement procedures to address complaints received~~  
31 ~~from out of state students in connection with, or related to, any Rhode Island postsecondary~~  
32 ~~institution, public or private, that has been approved to participate in said reciprocity agreement.~~
- 33 ~~(16) To exercise all powers and duties of the division of higher education assistance as~~  
34 ~~set forth under the terms of chapter 57 of this title.~~

1 SECTION 6. Section 16-60-6 of the General Laws in Chapter 16-60 entitled "Council on  
2 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of  
3 Education Act]" is hereby repealed.

4 ~~**16-60-6. Commissioner of elementary and secondary education.**~~

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

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

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

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

28 ~~(4) To implement broad policy as it pertains to the goals and objectives established by the  
29 board of education; to enforce standards and to exercise general supervision over public  
30 elementary and secondary education in the state and over all elementary and secondary nonpublic  
31 education in the state as provided in subdivision (8) of this section; to assist in the preparation of  
32 the budget for elementary and secondary education and to be responsible upon direction of the  
33 council on elementary and secondary education for the allocation of appropriations, the  
34 acquisition, holding, disposition, and general management of property.~~



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

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

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

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

18           ~~(9) To supervise the following specific functions:~~

19           ~~(i) To recommend the basic subjects and courses of study to be taught and instructional~~  
20 ~~standards to be maintained in the public elementary and secondary schools in the state.~~

21           ~~(ii) To recommend standards and qualifications of teachers and to issue certificates upon~~  
22 ~~approval of standards and qualifications by the council on elementary and secondary education.~~

23           ~~(iii) To distribute state school funds in accordance with law and regulations of the council~~  
24 ~~on elementary and secondary education.~~

25           ~~(iv) To certify as to the necessity of school construction and that standards and design are~~  
26 ~~in accordance with law and regulations of the council on elementary and secondary education and~~  
27 ~~to approve a design for school construction throughout the state.~~

28           ~~(v) To certify that school library standards and services are in accordance with law and~~  
29 ~~regulations of the council on elementary and secondary education.~~

30           ~~(vi) To recommend to the council on elementary and secondary education relating to the~~  
31 ~~transportation of pupils to school.~~

32           ~~(vii) To require the observance of all laws relating to elementary and secondary schools~~  
33 ~~and education.~~

34           ~~(viii) To interpret school law and to decide any controversies that may be appealed to him~~

1 ~~or her from decisions of local school committees.~~

2 ~~(ix) To prepare and recommend standard forms for the use of local schools when~~  
3 ~~reporting to the department of elementary and secondary education.~~

4 ~~(x) To prepare standard accounting and auditing procedures for local school districts,~~  
5 ~~except for the purposes of subdivision (3) of § 16-24-2 which shall be done in conjunction with~~  
6 ~~the auditor general.~~

7 ~~(xi) To prepare uniform budgeting procedures for local school districts.~~

8 ~~(xii) To determine when special purpose grants made to local school districts shall be~~  
9 ~~eligible for reimbursement through the school operations aid formula in accordance with chapter~~  
10 ~~7 of this title, and to designate the purpose(s) for which the local school district may use the~~  
11 ~~school operations aid reimbursement, including reimbursement on local matching funds used to~~  
12 ~~support the special purpose grant. The commissioner shall promulgate and adopt rules and~~  
13 ~~regulations to carry out the intent of this subsection.~~

14 ~~(10) To approve and accredit elementary and secondary schools in accordance with the~~  
15 ~~policy and regulations of the council on elementary and secondary education.~~

16 ~~(11) To be responsible for the administration of policies, rules, and regulations of the~~  
17 ~~board of education and the council on elementary and secondary education with relation to the~~  
18 ~~entire field of elementary and secondary education within the state not specifically granted to any~~  
19 ~~other department, board, or agency and not incompatible with law.~~

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

22 SECTION 7. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
23 by adding thereto the following chapter:

24 CHAPTER 3.3

25 ANNUAL EVALUATION OF LOCAL EDUCATION AGENCIES AND PUBLIC SCHOOLS

26 **16-3.3-1. Performances of local education agencies and individual public schools;**  
27 **Evaluation system; Assessment instruments; Reports.**

28 (a) The board of education ("board") shall adopt a system for evaluating, on an annual  
29 basis, the performance of both local education agencies and individual public schools. With  
30 respect to individual schools, the system shall:

31 (1) Include instruments designed to assess the extent to which schools and districts  
32 succeed in improving or fail to improve student performance, as defined by:

33 (i) Student acquisition of the skills, competencies, and knowledge called for by the  
34 academic standards and embodied in the curriculum frameworks established pursuant to this

1 chapter in the areas of mathematics, English language arts, science and technology, history and  
2 social studies, world languages, and the arts; and

3 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to  
4 students, parents, teachers, administrators, and taxpayers.

5 (2) Be designed both to measure outcomes and results regarding student performance,  
6 and to improve the effectiveness of curriculum and instruction.

7 (3) In its design and application, strike a balance among considerations of accuracy,  
8 fairness, expense, and administration.

9 (4) Employ a variety of assessment instruments on either a comprehensive or statistically  
10 valid sampling basis. Such instruments shall:

11 (i) Be criterion-referenced, assessing whether students are meeting the academic  
12 standards described in this chapter;

13 (ii) As much as is practicable, especially in the case of students whose performance is  
14 difficult to assess using conventional methods, include consideration of work samples, projects,  
15 and portfolios, and shall facilitate authentic and direct gauges of student performance;

16 (iii) Provide the means to compare student performance among the various school  
17 systems and communities in the state, and between students in other states and in other nations,  
18 especially those nations which compete with the state for employment and economic  
19 opportunities;

20 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes; and

21 (v) Recognize sensitivity to different learning styles and impediments to learning, which  
22 may include issues related, but not limited, to cultural, financial, emotional, health, and social  
23 factors.

24 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity  
25 of students in the state and the particular circumstances of students with special needs.

26 (6) Comply with federal requirements for accommodating children with special needs.

27 (7) Allow all potential English-proficient students from language groups in which  
28 English language learner programs are offered opportunities for assessment of their performance  
29 in the language which best allows them to demonstrate educational achievement and mastery of  
30 academic standards and curriculum frameworks established pursuant to this chapter. For the  
31 purposes of this section, a "potential English proficient student" shall be defined as a student who  
32 is not able to perform ordinary class work in English; provided, however, that no student shall be  
33 allowed to be tested in a language other than English for longer than three (3) consecutive years.

34 (b) The board shall take all appropriate action to bring about and continue the state's

1 participation in the assessment activities of the National Assessment of Educational Progress and  
2 in the development of standards and assessments by the New Standards Program.

3 (c) In addition, comprehensive diagnostic assessment of individual students shall be  
4 conducted at least in the fourth, eighth, and tenth grades. Said diagnostic assessments shall  
5 identify academic achievement levels of all students in order to inform teachers, parents,  
6 administrators, and the students themselves, as to individual academic performance.

7 (d) The board shall develop procedures for updating, improving, or refining the  
8 assessment system.

9 (e) The commissioner of elementary and secondary education (“commissioner”) is  
10 authorized and directed to gather information, including the information specified herein and such  
11 other information as the board shall require, for the purposes of evaluating individual public  
12 schools, school districts, and the efficacy and equity of state and federally-mandated programs.  
13 All information gathered pursuant to this section shall be filed in the manner and form prescribed  
14 by the department of education (“department”).

15 (f) The board shall establish and maintain a data system to collect information from  
16 school districts for the purpose of assessing the effectiveness of district evaluation systems in  
17 assuring effective teaching and administrative leadership in the public schools. Such information  
18 shall be made available in the aggregate to the public; provided, however, that the following  
19 information shall be considered personnel information and shall not be subject to disclosure:

20 (1) Any data or information that school districts, the department, or both create, send, or  
21 receive in connection with an educator assessment that is evaluative in nature and that may be  
22 linked to an individual educator, including information concerning:

23 (i) An educator's formative assessment or evaluation;

24 (ii) An educator’s summative evaluation or performance rating; or

25 (iii) The student learning, growth, and achievement data that may be used as part of an  
26 individual educator's evaluation

27 (g) Each school district shall maintain individual records on every student and employee.  
28 Each student record shall contain a unique and confidential identification number, basic  
29 demographic information, program and course information, and such other information as the  
30 department shall determine necessary. Said records shall conform to parameters established by  
31 the department.

32 (h) For the purposes of improving the performance of school districts, individual public  
33 schools, and the efficacy and equity of state and federal programs, each district shall file with the  
34 commissioner once in each three (3) year period a comprehensive, three (3) year district

1 improvement plan. The plan shall:

2       (1) Be developed and submitted in a manner and form prescribed by the department of  
3 education.

4       (2) To the extent feasible, be designed to fulfill all planning requirements of state and  
5 federal education laws.

6       (3) Include, but not be limited to:

7           (i) An analysis of student and subgroup achievement gaps in core subjects;  
8           (ii) Identification of specific improvement objectives;  
9           (iii) A description of the strategic initiatives the district will undertake to achieve its  
10 improvement objectives; and

11           (iv) Performance benchmarks and processes for evaluating the effect of district  
12 improvement initiatives.

13       (4) Describe the professional development activities that will support each district  
14 improvement initiative and the teacher induction and mentoring activities that will be undertaken  
15 to support successful implementation of the district's improvement efforts.

16           (i) On an annual basis, not later than September 1 of each year, each district shall prepare  
17 and have available for state review an annual action plan. The district annual action plan shall:

18           (1) Enumerate the specific activities, persons responsible, and timelines for action to be  
19 taken as part of the strategic initiatives set forth in the district's three (3) year improvement plan;  
20 and

21           (2) Identify the staff and financial resources allocated to support these initiatives.

22           (j) Annually, the principal of each school shall:

23           (1) In consultation with the school improvement team, adopt student performance goals  
24 for the schools consistent with the school performance goals established by the department of  
25 education pursuant to state and federal law and regulations;

26           (2) Consistent with any educational policies established for the district, assess the needs  
27 of the school in light of those goals; and

28           (3) Formulate a school plan to advance such goals and improve student performance. The  
29 school's plan to support improved student performance shall:

30           (i) Include, but not be limited to, the same components required for district improvement  
31 plans;

32           (ii) Conform to department and district specifications to ensure that such school  
33 improvement plans meet state and federal law requirements; and

34           (iii) Be submitted to the superintendent who shall review and approve the plan, after

1 consultation with the school committee, not later than July 1 of the year in which the plan is to be  
2 implemented, according to a plan development and review schedule established by the district  
3 superintendent.

4 (k) The three (3) year comprehensive district plan, annual district action plan, and annual  
5 school improvement plan shall replace any district and school plans previously required pursuant  
6 to the general laws or any regulation, which, in the professional opinion of the commissioner,  
7 would be most effectively presented as part of the coordinated district or school plan for  
8 improving student achievement. The department shall identify any additional reports or plans  
9 required by any general law or regulation which can be incorporated into this single filing in  
10 order to reduce paperwork and eliminate duplication.

11 (l) Each school district in which more than twenty percent (20%) of the students score  
12 below level two on the Rhode Island Comprehensive Assessment System exam, in this paragraph  
13 called RICAS, shall submit a RICAS success plan to the department. The plan shall describe the  
14 school district's strategies for helping each student to master the skills, competencies, and  
15 knowledge required for the competency determination. The department shall:

16 (1) Determine the elements that shall be required to be included in such plan. These  
17 elements may include, but are not limited to, the following:

18 (i) A plan to assess each student's strengths, weaknesses and needs;

19 (ii) A plan to use summer school, after school, and other additional support to provide  
20 each child with the assistance needed; and

21 (iii) A plan for involving the parents of students.

22 (2) Examine each district's plan and determine if it has a reasonable prospect of  
23 significantly reducing the school district's failure rates.

24 (3) Coordinate oversight of the RICAS success plans with existing audit and oversight  
25 functions and with the RICAS grant program.

26 (m) Each school district shall file a report with the department every year by a date and in  
27 a format determined by the board. Said report shall include, but not be limited to, the following:

28 (1) An outline of the curriculum and graduation requirements of the district;

29 (2) Pupil/teacher ratios and class size policy and practice;

30 (3) Teacher and administrator evaluation procedures;

31 (4) Statistics, policies, and procedures relative to truancy and dropouts;

32 (5) Statistics, policies, and procedures relative to expulsions and in-school and out-of-  
33 school suspensions;

34 (6) Percent of school-age children attending public schools;

- 1           (7) Racial composition of teaching and administrative staff;
- 2           (8) Enrollment and average daily attendance;
- 3           (9) The annual budgets and expenditures for both the district and the individual schools in  
4 the district.
- 5           (n) Each school district shall file a description of the following instructional procedures  
6 and programs with the department every year:
- 7           (1) Art and music programs;
- 8           (2) Technology education;
- 9           (3) Programs for gifted and talented students;
- 10          (4) Adult education programs;
- 11          (5) Library and media facilities;
- 12          (6) Condition of instructional materials including textbooks, workbooks, audio-visual  
13 materials, and laboratory materials;
- 14          (7) Types and condition of computers and computer software;
- 15          (8) Basic skills remediation programs;
- 16          (9) Drug, tobacco, and alcohol abuse programs;
- 17          (10) Multi-cultural education training for students and teachers;
- 18          (11) Global education; and
- 19          (12) Nutrition and wellness programs.
- 20          (o) Each school district and charter school shall file an annual report for the current  
21 school year regarding implementation with the department every November 1 in a format  
22 determined by the board. The report shall include, but not be limited to, the following:
- 23           (1) The number of children receiving services within each disability category;
- 24           (2) The number of children, by grade level, within each such disability category and the  
25 costs of services provided by each such category for such children receiving their education in a  
26 publicly operated day school program;
- 27           (3) The number of children, by grade level, within each such disability category and the  
28 costs of services provided by each such category for such children receiving their education in a  
29 private day setting;
- 30           (4) The number of children, by grade level, within each such disability category and the  
31 costs of services provided by each such category for such children receiving their education in a  
32 private residential setting;
- 33           (5) The number of children who remain in the regular education program full time; the  
34 number of children who are removed from the regular classroom for up to twenty-five percent

1 (25%) of the day; the number of children who are removed from the regular classroom between  
2 twenty-five percent (25%) and sixty percent (60%) of the day;

3 (6) The number of children who are placed in substantially separate classrooms on a  
4 regular education school site;

5 (7) The number of children, ages three (3) and four (4), who are educated in integrated  
6 and separate classrooms; and the assignment by sex, national origin, economic status, race, and  
7 religion, of children by age level to special education classes and the distribution of children  
8 residing in the district by sex, national origin, economic status, race, and religion of children by  
9 age level; and

10 (8) The number of children, by grade level, receiving special education services who  
11 have limited English proficiency.

12 (p) Each school district and charter school shall furnish in a timely manner additional  
13 information as the department shall request.

14 (q) Each school district required to provide an English language learners program shall  
15 file the following information with the department annually:

16 (1) The type of English language learners programs provided;

17 (2) With regard to limited English proficient students:

18 (i) The number enrolled in each type of English language learners program;

19 (ii) The number enrolled in English as a second language who are not enrolled in another  
20 English language learners program;

21 (iii) The results of basic skills, curriculum assessment, achievement, and language  
22 proficiency testing, whether administered in English or in the native language;

23 (iv) The absentee, suspension, expulsion, dropout, and promotion rates; and

24 (v) The number of years each limited English proficient student has been enrolled in an  
25 English language learners program;

26 (3) The number of students each year who have enrolled in institutions of higher  
27 education and were formerly enrolled in an English language learners program;

28 (4) The academic progress in regular education of students who have completed an  
29 English language learners program;

30 (5) For each limited English proficient student receiving special education, the number of  
31 years in the school district prior to special education evaluation and the movement in special  
32 education programs by program placement;

33 (6) The number of limited English proficient students enrolled in programs of  
34 occupational or vocational education;



1 (7) The name, national origin, native language, certificates held, language proficiency,  
2 grade levels, and subjects taught by each teacher of an English language learners program,  
3 bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual  
4 school psychologists;

5 (8) The per-pupil expenditures for each full time equivalent student enrolled in an  
6 English language learners program;

7 (9) The sources and amounts of all funds expended on students enrolled in English  
8 language learners programs, broken down by local, state, and federal sources, and whether any  
9 such funds expended supplanted, rather than supplemented, the local school district obligation;

10 (10) The participation of parents through parent advisory councils; and

11 (11) Whether there were any complaints filed with any federal or state court or  
12 administrative agency, since the program's inception, concerning the compliance with federal or  
13 state minimum legal requirements, the disposition of such complaint, and the monitoring and  
14 evaluation of any such agreement or court order relative to such complaint.

15 Said information shall be filed in the form of the total for the school district as well as  
16 categorized by school, grade, and language.

17 (r) The commissioner annually shall analyze and publish data reported by school districts  
18 under this section regarding English language learners programs and limited English proficient  
19 students. Publication shall include, but need not be limited to, availability on the department's  
20 worldwide web site. The commissioner shall submit annually a report to the committees of  
21 jurisdiction for education in the house of representatives and senate on such data on a statewide  
22 and school district basis, including, but not limited to, by language group and type of English  
23 language learners programs.

24 **16-3.3-2. Office of school and district accountability.**

25 (a) In order to support the commissioner, department, and board in fulfilling their duties,  
26 there shall be, within the department, an office of school and district accountability, which shall  
27 be comprised of and staffed with current personnel and which shall be funded with existing  
28 budgetary resources; hereinafter, the office of school and district accountability shall be referred  
29 to as the office. This office shall include personnel whose work and expertise focuses on assisting  
30 districts and schools in their implementation of turnaround plans. This office also shall:

31 (1) Provide a mechanism to review and report on the efforts of schools, charter schools,  
32 and school districts, including regional school districts, to improve the academic achievement of  
33 their students; and

34 (2) Inform and assist the board and the department in fulfilling their broader

1 responsibilities to promote high levels of achievement in the schools and districts of the state;  
2 (3) Be under the direction and supervision of one individual who shall be appointed by  
3 the commissioner. This individual shall be responsible for:  
4 (i) The direction and supervision of the targeted assistance and intervention efforts of the  
5 department under this chapter;  
6 (ii) Any assistance efforts as the commissioner deems necessary to correct deficiencies  
7 identified by the office;  
8 (iii) Compliance with the accountability provisions of federal law; and  
9 (iv) Ensuring that the auditing and assistance functions of the department are aligned to  
10 promote collaboration and communication across the auditing and assistance functions.  
11 (4) Ensure that school and district review teams include experienced practitioners in the  
12 field of education, except that no member shall have been previously or currently employed by:  
13 (i) The school, district, or charter school being reviewed; or  
14 (ii) A district, charter school, or education collaborative serving a common student  
15 population with the school, district, or charter school being reviewed.  
16 (5) Act as an auditing body, objectively reviewing the results of educational  
17 measurements and tests conducted by or for the department in implementing the laws under this  
18 chapter.  
19 (i) In executing this subsection, the office shall:  
20 (A) Perform no fewer than ten (10) school district audits annually, seventy-five percent  
21 (75%) of which shall be in districts whose students achieve at low levels either in absolute terms  
22 or relative to districts that educate similar student populations. The remainder of the audits shall  
23 be divided equally among districts whose students achieve at high levels relative to districts that  
24 educate similar student populations and randomly selected districts;  
25 (B) Ensure that no school or district is audited during the administration of any statewide  
26 assessments;  
27 (C) Coordinate with other entities in the department to ensure that a school or district is  
28 not subject to multiple comprehensive audits or reviews by the department or any accrediting  
29 body within a nine (9) month period, unless the board specifically votes to do so on an emergency  
30 basis;  
31 (D) Have the following duties relative to school district audits:  
32 (I) Objectively review the accuracy of the school and district reports by conducting or  
33 contracting for periodic program and fiscal audits as necessary;  
34 (II) Undertake inspections of schools, charter schools, and school districts, including

1 regional school districts, to evaluate efforts to improve and support the quality of instruction and  
2 administration;

3 (III) Review the district's RICAS success plan, if one was required pursuant to law, and  
4 evaluate the implementation of that plan;

5 (IV) Review the district's implementation of any RICAS grants received to develop or  
6 enhance academic support services for students scoring in level 1 or 2;

7 (V) Evaluate the alignment of curriculum and professional development plans with the  
8 state curriculum and assessments;

9 (VI) Review the progress of overall student achievement;

10 (VII) Evaluate student performance, school and district management, overall district  
11 governance, and any other areas deemed necessary by the office; and

12 (VIII) Ensure such audits are conducted in accordance with standards established by the  
13 council of elementary and secondary education;

14 (E) Following the school district audit, produce a comprehensive report detailing its  
15 findings and observations, which the commissioner shall present to the council along with any  
16 recommendations for further action to be taken by the council. After the council's receipt of the  
17 report, the commissioner shall issue recommendations to districts not requiring further action  
18 relative to methods for improving any deficiencies identified by the office. The recommendations  
19 shall be transmitted to the reviewed district's superintendent and school committee within ninety  
20 (90) days of the council's receipt of the report; and

21 (F) Annually compile a report of best practices from the list of audits conducted that year  
22 and distribute the compiled list to all school districts in the state.

23 (6) For the purposes of any inspection or audit, have access to all necessary papers,  
24 vouchers, books, and records pertaining to a school, including a charter school, a school district,  
25 or a regional school district.

26 (7) In establishing protocols for the conduct of school or district audits, to the extent  
27 practicable, minimize the administrative burden on schools and districts by using existing,  
28 recently-compiled, or readily-available data sources. Schools, school districts, and school  
29 personnel shall cooperate with the office for any inspection or audit conducted pursuant to this  
30 section including, but not limited to, participating in interviews and producing books and  
31 documents. Each school district, including regional school districts and charter schools, shall  
32 annually file with the office, on or before October 1, a copy of its current personnel contracts and  
33 collective bargaining agreements in a form and manner prescribed by the commissioner. The  
34 office shall ensure that any noncompliance with law, misfeasance, or malfeasance shall be

1 referred to the commissioner for appropriate action.

2 (8) Support the commissioner and the council in carrying out their duties under sections  
3 related to underperforming schools. Nothing in this section shall be construed as limiting the  
4 ability of the department to contract with individuals, external partners, or other entities to  
5 support the assistance functions established by said sections.

6 (b) The department shall transmit the office's findings, audit reports, recommendations,  
7 and follow-up reports to the commissioner, the council on elementary and secondary education,  
8 the attorney general, and a local public library in the audited districts. The department shall report  
9 to the general assembly the results of its findings, audit reports, recommendations and follow-up  
10 reports, and file such reports with the clerks of the house of representatives and the senate, who  
11 shall forward the same to the senate president, the speaker of the house of representatives, and the  
12 committees of educational jurisdiction.

13 **16-3.3-3. Underperforming or chronically underperforming schools; Creation and**  
14 **submission of turnaround plan; Appointment of received; Annual review.**

15 (a) The commissioner of elementary and secondary education may, on the basis of  
16 student performance data collected pursuant to this chapter, a school or district review performed  
17 under this chapter, or regulations adopted by the council on elementary and secondary education,  
18 designate one or more schools in a school district as underperforming or chronically  
19 underperforming.

20 (b) The council shall adopt regulations establishing standards for the commissioner to  
21 make such designations on the basis of data collected pursuant to this chapter or information from  
22 a school or district review performed pursuant this chapter.

23 (c) Upon the release of the proposed regulations, the council shall file a copy thereof with  
24 the clerks of the house of representatives and the senate who shall forward the regulations to  
25 committees of jurisdiction for education issues. Within thirty (30) days of the filing, the  
26 committee(s) may hold a public hearing to issue a report on the proposed regulations and file the  
27 report with the council.

28 (d) The council, pursuant to applicable law, may adopt final regulations, making  
29 revisions to the proposed regulations as it deems appropriate after consideration of the report, and  
30 shall file a copy of the final regulations with the chairpersons of the committees of jurisdiction on  
31 education issues. Within thirty (30) days of the filing, the board shall file the final regulations  
32 with the secretary of state.

33 (e) Schools that score in the lowest twenty (20) percent statewide among schools serving  
34 common grade levels on a single measure developed by the department that takes into account

1 student performance data and, beginning on July 1, 2021, improvement in student academic  
2 performance, shall be deemed eligible for designation as underperforming or chronically  
3 underperforming. Not more than four percent (4%) of the total number of public schools may be  
4 designated as underperforming or chronically underperforming at any given time.

5 (f) In adopting regulations allowing the commissioner to designate a school as  
6 underperforming or chronically underperforming, the council shall ensure that such regulations  
7 take into account multiple indicators of school quality, such as student attendance, dismissal rates  
8 and exclusion rates, promotion rates, graduation rates, or the lack of demonstrated significant  
9 improvement for two (2) or more consecutive years in core academic subjects, either in the  
10 aggregate or among subgroups of students, including designations based special education, low-  
11 income, English language proficiency, and racial classifications.

12 (g) Before a school is designated chronically underperforming by the commissioner, a  
13 school must be designated underperforming and fail to improve.

14 (h) An underperforming or chronically underperforming school described in the  
15 following subsections shall operate in accordance with laws regulating other public schools,  
16 except as such provisions may conflict with this section or any turnaround plans created  
17 hereunder. A student who is enrolled in a school at the time it is designated as underperforming or  
18 chronically underperforming shall retain the ability to remain enrolled in the school while  
19 remaining a resident of the district if the student chooses to do so.

20 (i) Upon the designation of a school as an underperforming school in accordance with  
21 regulations developed pursuant to this section, the superintendent of the district, with approval by  
22 the commissioner, shall create a turnaround plan for the school, under subsections (i) to (k),  
23 inclusive. The commissioner may allow for an expedited turnaround plan for schools that have  
24 been previously designated as underperforming and where the district has a turnaround plan that  
25 has had a public comment period and approval of the local school committee.

26 (j) Before the superintendent creates the turnaround plan required in this subsection, the  
27 superintendent shall convene a local stakeholder group of not more than thirteen (13) individuals,  
28 for the purpose of soliciting recommendations on the content of such plan to maximize the rapid  
29 academic achievement of students at the school. The superintendent shall give due consideration  
30 to the recommendations of the stakeholder group. The group shall include:

31 (1) The commissioner, or a designee;

32 (2) The chair of the school committee, or a designee;

33 (3) The president of the local teacher's union, or a designee;

34 (4) An administrator from the school, who may be the principal, chosen by the

1 superintendent;

2 (5) A teacher from the school, chosen by the faculty of the school;

3 (6) A parent from the school, chosen by the local parent organization;

4 (7) A representative of applicable state and local social service, health, and child welfare  
5 agencies, chosen by the superintendent;

6 (8) A representative of state and local workforce development agencies, chosen by the  
7 superintendent;

8 (9)(i) For elementary schools, a representative of an early education and care provider,  
9 chosen by the commissioner of elementary and secondary education; or

10 (ii) For middle schools or high schools, a representative of the higher education  
11 community, selected by the council on postsecondary education;

12 (10) A member of the community, appointed by the chief executive of the city or town;

13 (11) A member of the professional staff within the department's office of school and  
14 district accountability, with expertise in assisting with turnaround plans;

15 (12)(i) For elementary schools, a representative from the school, selected by the student  
16 body, to represent the interests of students; or

17 (ii) For middle schools or high schools, a student representative from the school, selected  
18 by the student body; and

19 (13) A paraprofessional or support staff member of the school, chosen by his or her peers  
20 at the school.

21 If the school or district does not have a parent organization or if the organization does not  
22 select a parent, the superintendent shall select a volunteer parent of a student from the school. The  
23 superintendent shall convene such group within thirty (30) days of the commissioner designating  
24 a school as underperforming and the group shall make its recommendations to the superintendent  
25 within forty-five (45) days of its initial meeting. Meetings of the local stakeholder group shall be  
26 open to the public and the recommendations submitted to the superintendent under this subsection  
27 shall be publicly available immediately upon their submission.

28 (k) In creating the turnaround plan in subsections (i) and (j), the superintendent shall  
29 include, after considering the recommendations of the local stakeholder group, provisions  
30 intended to maximize the rapid academic achievement of students at the school and shall, to the  
31 extent practicable, base the plan on student outcome data, including, but not limited to:

32 (1) Data collected or information from a school or district review performed pursuant to  
33 the provisions of this chapter;

34 (2) Student achievement on the Rhode Island Comprehensive Assessment System;

- 1           (3) Other measures of student achievement, approved by the commissioner;
- 2           (4) Student promotion and graduation rates;
- 3           (5) Achievement data for different subgroups of students, including low-income students,  
4 limited English-proficient students and students receiving special education; and
- 5           (6) Student attendance, dismissal rates and exclusion rates.
- 6           (l) The superintendent shall also include in the creation of the turnaround plan, after  
7 considering the recommendations of the local stakeholder group, the following:
- 8           (1) Steps to address social service and health needs of students at the school and their  
9 families, to help students arrive and remain at school ready to learn; provided, however, that this  
10 may include mental health and substance abuse screening;
- 11           (2) Steps to improve or expand child welfare services and, as appropriate, law  
12 enforcement services in the school community, in order to promote a safe and secure learning  
13 environment;
- 14           (3) Steps to improve workforce development services provided to students and their  
15 families at the school, to provide students and families with meaningful employment skills and  
16 opportunities;
- 17           (4) Steps to address achievement gaps for limited English-proficient, special education  
18 and low-income students;
- 19           (5) Alternative English language learning programs for limited English proficient  
20 students;
- 21           (6) A financial plan for the school, including any additional funds to be provided by the  
22 district, state, federal government or other sources; and
- 23           (7) Recommendations to limit, suspend, or change one or more provisions of any  
24 collective bargaining agreement, as the contract or agreement applies to the school.
- 25           (m) The secretary of health and human services, director of the department of labor,  
26 director of public safety and other applicable state and local social service, health and child  
27 welfare officials shall coordinate with the superintendent regarding the implementation of  
28 strategies pursuant to subsection (1) of this section that are included in a final turnaround plan and  
29 shall, subject to appropriation, reasonably support such implementation consistent with the  
30 requirements of state and federal law applicable to the relevant programs that each such official is  
31 responsible for administering. The board of education and the commissioner of elementary and  
32 secondary education shall assist the superintendent in facilitating the coordination.
- 33           (n) To assess the school across multiple measures of school performance and student  
34 success, the turnaround plan shall include measurable annual goals including, but not limited to:

- 1 (1) Student attendance, dismissal rates and exclusion rates;
- 2 (2) Student safety and discipline;
- 3 (3) Student promotion and graduation and dropout rates;
- 4 (4) Student achievement on the Rhode Island Comprehensive Assessment System;
- 5 (5) Progress in areas of academic underperformance;
- 6 (6) Progress among subgroups of students, including low-income students, limited
- 7 English-proficient students and students receiving special education;
- 8 (7) Reduction of achievement gaps among different groups of students;
- 9 (8) Student acquisition and mastery of twenty-first century skills;
- 10 (9) Development of college readiness, including at the elementary and middle school
- 11 levels;
- 12 (10) Parent and family engagement;
- 13 (11) Building a culture of academic success among students;
- 14 (12) Building a culture of student support and success among school faculty and staff
- 15 and;
- 16 (13) Developmentally appropriate child assessments from pre-kindergarten through third
- 17 grade, if applicable.
- 18 (o) Notwithstanding any general or special law to the contrary, in creating the turnaround
- 19 plan required in this section, the superintendent may, after considering the recommendations of
- 20 the group of stakeholders:
- 21 (1) Expand, alter, or replace the curriculum and program offerings of the school,
- 22 including the implementation of research-based early literacy programs, early interventions for
- 23 struggling readers, and the teaching of advanced placement courses or other rigorous nationally or
- 24 internationally recognized courses, if the school does not already have such programs or courses;
- 25 (2) Reallocate the uses of the existing budget of the school;
- 26 (3) Provide additional funds to the school from the budget of the district, if the school
- 27 does not already receive funding from the district at least equal to the average per pupil funding
- 28 received for students of the same classification and grade level in the district;
- 29 (4) Provide funds, subject to appropriation and following consultation with applicable
- 30 local unions, to increase the salary of any administrator or teacher in the school to attract or retain
- 31 highly-qualified administrators or teachers, or to reward administrators or teachers who work in
- 32 underperforming schools that achieve the annual goals set forth in the turnaround plan;
- 33 (5) Expand the school day or school year or both of the school;
- 34 (6) For an elementary school, add pre-kindergarten and full-day kindergarten classes, if



1 the school does not already have such classes;

2 (7) Following consultation with applicable local unions, review professional evaluations  
3 currently performed under applicable laws and regulations, as well as any other relevant  
4 considerations, to determine if personnel placements are appropriate; if after that review and  
5 appropriate due process identified in this chapter, it is determined that any school personnel  
6 should not remain in a specific position, all due process and applicable laws shall be followed  
7 such that the employee may be placed in another role in the district, according to collective  
8 bargaining agreements and applicable laws;

9 (8) Limit, suspend, or change one or more school district policies or practices, as such  
10 policies or practices relate to the school;

11 (9) Include a provision of job-embedded professional development for teachers at the  
12 school, with an emphasis on strategies that involve teacher input and feedback;

13 (10) Provide for increased opportunities for teacher planning time and collaboration  
14 focused on improving student instruction;

15 (11) Establish a plan for professional development for administrators at the school, with  
16 an emphasis on strategies that develop leadership skills and use the principles of distributive  
17 leadership;

18 (12) Establish steps to assure a continuum of high-expertise teachers by aligning the  
19 following processes with a common core of professional knowledge and skill: hiring, induction,  
20 teacher evaluation, professional development, teacher advancement, school culture, and  
21 organizational structure;

22 (13) Develop a strategy to search for and study best practices in areas of demonstrated  
23 deficiency in the school;

24 (14) Establish strategies to address mobility and transiency among the student population  
25 of the school; and

26 (15) Include additional components based on the reasons why the school was designated  
27 as underperforming and the recommendations of the group of stakeholders.

28 (p) If the superintendent determines that any school personnel should not remain in a  
29 specific position pursuant to the provisions of this section, the employee shall retain such rights  
30 as may be provided under applicable law or any collective bargaining agreement in relation to the  
31 employee's ability to fill another position in the district; provided, however, that the employee  
32 shall not have the right to displace any teacher with professional teacher status in any other school  
33 during a school year.

34 (q) A teacher with professional teacher status in a school declared underperforming or

1 chronically underperforming may be reassigned; provided, however, that the teacher receives five  
2 (5) days written notice of the decision to reassign which shall include, without limitation, an  
3 explanation of the reason why the superintendent is reassigning the teacher; provided, further,  
4 that the teacher may seek review of a reassignment decision within five (5) days after receiving  
5 notice of the teacher's reassignment by filing a petition for expedited arbitration with the  
6 commissioner; provided, further, that the commissioner shall cause an arbitrator to be selected  
7 within three (3) days of receipt of petition and shall conduct and complete a hearing within ten  
8 (10) days of receipt of the petition; provided, further, that in reviewing reassignment decisions,  
9 the arbitrator shall consider the components of the turnaround plan, any personnel evaluations  
10 conducted that are consistent with the guidelines established, and any other relevant  
11 considerations; and provided, further, that the arbitrator's decision shall be issued within 10 days  
12 from the completion of the hearing.

13 (r) For a school with limited English-proficient students, the professional development  
14 and planning time for teachers and administrators inclusive, shall include specific strategies and  
15 content designed to maximize the rapid academic achievement of limited English-proficient  
16 students at the school.

17 (s) Within thirty (30) days of the local stakeholder group making recommendations,  
18 pursuant to this chapter, the superintendent shall submit a turnaround plan to the local stakeholder  
19 group, the school committee, and the commissioner, all of whom may propose modifications to  
20 the plan. The superintendent shall make such plan immediately available to the public upon the  
21 submission. The stakeholder group, the school committee and the commissioner shall submit any  
22 proposed modifications to the superintendent not more than thirty (30) days after the date of  
23 submission of the turnaround plan and the proposed modifications shall be made public  
24 immediately upon their submission to the superintendent. The superintendent shall consider and  
25 may incorporate the modifications into the plan if the superintendent determines that inclusion of  
26 the modifications would further promote the rapid academic achievement of students at the  
27 school or may alter or reject the proposed modifications submitted under this subsection. Within  
28 thirty (30) days of receiving any proposed modifications under this subsection, the superintendent  
29 shall issue a final turnaround plan for the school and the plan shall be made publicly available.

30 (t) Within thirty (30) days of the issuance of a final turnaround plan pursuant to this  
31 chapter, a school committee or local union may appeal to the commissioner regarding one or  
32 more components of the plan, including the absence of one or more modifications proposed. The  
33 commissioner may, in consultation with the superintendent, modify the plan if the commissioner  
34 determines that:

1           (1) Such modifications would further promote the rapid academic achievement of  
2 students in the applicable school;

3           (2) A component of the plan was included, or a modification was excluded, on the basis  
4 of demonstrably-false information or evidence; or

5           (3) The superintendent failed to meet the requirements of subsections (i) to (s) of this  
6 section. The decision of the commissioner regarding an appeal under this subsection shall be  
7 made within thirty (30) days and shall be final.

8           (u) If, after considering the recommendations of the group of stakeholders, the  
9 superintendent considers it necessary to maximize the rapid academic achievement of students at  
10 the applicable school by altering the compensation, hours, and working conditions of the  
11 administrators, teachers, principal, and staff at the school, or by altering other provisions of a  
12 contract or collective bargaining agreement applicable to the administrators, teachers, principal,  
13 and staff, the superintendent may request that the school committee and any union bargain or  
14 reopen the bargaining of the relevant collective bargaining agreement to facilitate such  
15 achievement. The bargaining shall be conducted in good faith and completed not later than thirty  
16 (30) days from the point at which the superintendent requested that the parties bargain. The  
17 agreement shall be subject to ratification within ten (10) business days by the bargaining unit  
18 members in the school. If the parties are unable to reach an agreement within thirty (30) days, or  
19 if the agreement is not ratified within ten (10) business days by the bargaining unit members of  
20 the school, the parties shall submit remaining unresolved issues to a joint resolution committee  
21 for dispute resolution process on the next business day following the end of the thirty (30) day  
22 bargaining period or failure to ratify.

23           (v) The joint resolution committee shall be comprised of three (3) members: one of whom  
24 shall be appointed by the employee organization within three (3) business days following the  
25 submission of unresolved issues to the joint resolution committee, one of whom shall be  
26 appointed by the school committee within three (3) business days following the submission of  
27 unresolved issues to the joint resolution committee, and one of whom shall be selected through  
28 the American Arbitration Association, who shall forthwith forward to the parties a list of three (3)  
29 conciliators, each of whom shall have professional experience in elementary and secondary  
30 education, from which the parties may agree upon a single conciliator; provided, however, that if  
31 the parties cannot select a conciliator from among the three (3) within three (3) business days, the  
32 American Arbitration Association shall select a conciliator from the remaining names. The joint  
33 resolution committee shall conduct a dispute resolution process to be concluded within ten (10)  
34 business days of selection. This process shall be conducted in accordance with the rules of the

1 American Arbitration Association and consistent with this section. The fee for the process shall  
2 be shared equally between the two (2) parties involved.

3 (w) The joint resolution committee shall consider the positions of the parties, the  
4 designation of the school as underperforming, and the needs of the students in the school.  
5 Notwithstanding any other provision of this chapter, the decision of the joint resolution  
6 committee shall be dispositive of all the issues in dispute and shall be submitted to the parties  
7 within ten (10) business days of the completion of the process. Under no circumstance shall a  
8 time extension be granted beyond ten (10) business days of the completion of the process. If a  
9 decision is not submitted to the parties within ten (10) business days, the commissioner will  
10 resolve all outstanding issues.

11 (x) The superintendent may select an external receiver to operate the school and  
12 implement the turnaround plan or to assist the superintendent with the implementation. The  
13 superintendent may appoint the receiver if the superintendent determines that conditions exist in  
14 the district that are likely to negatively affect his or her ability to implement the plan successfully.  
15 A school committee may appeal to the commissioner the decision of the superintendent to  
16 appoint an external receiver. The commissioner may reverse such decision only if he or she  
17 determines that the superintendent made the decision on the basis of demonstrably-false  
18 information or evidence. A receiver shall be an individual with a demonstrated record of success  
19 in improving low-performing schools or the academic performance of disadvantaged students.

20 (y) An external receiver selected by the superintendent to operate a school shall have full  
21 managerial and operational control over the school as provided in the turnaround plan. For all  
22 other purposes, the school district in which the school is located shall remain the employer of  
23 record.

24 (z) Each turnaround plan shall be authorized for a period of not more than three (3) years,  
25 subject to this chapter. The superintendent or external receiver, as applicable, may develop  
26 additional components of the turnaround plan pursuant to this section and shall develop annual  
27 goals for each component of the plan, in a manner consistent with this section. The  
28 superintendent or external receiver, as applicable, shall be responsible for meeting the goals of the  
29 plan.

30 (aa) Each school designated by the commissioner as underperforming under subsection  
31 (a) of this section shall be reviewed by the superintendent, in consultation with the principal of  
32 the school, at least annually. The purpose of the review shall be to determine whether the school  
33 has met the annual goals in its turnaround plan and to assess the overall implementation of the  
34 turnaround plan. The review shall be in writing and shall be submitted to the commissioner and

1 the relevant school committee not later than July 1 for the preceding school year. The review  
2 shall be submitted in a format determined by the department of elementary and secondary  
3 education.

4 (bb) If the commissioner determines that the school has met the annual performance  
5 goals stated in the turnaround plan, the review shall be considered sufficient and the  
6 implementation of the turnaround plan shall continue. If the commissioner determines that the  
7 school has not met one or more goals in the turnaround plan and that the failure to meet the goals  
8 may be corrected through reasonable modification of the plan, the superintendent may amend the  
9 turnaround plan in a manner consistent with the provisions of this chapter. If the commissioner  
10 determines that the school has substantially failed to meet one or more goals in the plan, the  
11 commissioner may appoint an examiner to conduct an evaluation of the school's implementation  
12 of the turnaround plan.

13 (cc) If the commissioner determines that the school has substantially failed to meet  
14 multiple goals in the plan, the commissioner may require changes to the turnaround plan to be  
15 implemented by the superintendent in the following year or the appointment of an external  
16 partner to advise and assist the superintendent in implementing the plan the following year. If the  
17 changes to the turnaround plan require changes in a collective bargaining agreement applicable to  
18 administrators, teachers or staff in the school, the bargaining procedure in this chapter shall be  
19 used. If an underperforming school is operated by an external receiver, the commissioner may  
20 require the superintendent to terminate the receiver and develop a new turnaround plan; provided,  
21 however, that the superintendent shall not terminate the receiver before the completion of the first  
22 full school year of the operation of the underperforming school.

23 (dd) Upon the expiration of a turnaround plan, the commissioner shall conduct a review  
24 of the school to determine whether the school has improved sufficiently, requires further  
25 improvement or has failed to improve. On the basis of such review, the commissioner may  
26 determine that:

27 (1) The school has improved sufficiently for the designation of the school as  
28 underperforming to be removed;

29 (2) The school has improved, but the school remains underperforming, in which case the  
30 superintendent may, with the approval of the commissioner, renew the plan or create a new or  
31 modified plan for an additional period of not more than three (3) years, consistent with the  
32 requirements of this chapter; or

33 (3) Consistent with the requirements of subsection (a) of this section, the school is  
34 chronically underperforming. The commissioner may recommend the appointment of an external

1 receiver by the superintendent if the commissioner believes that a new or modified turnaround  
2 plan implemented by the superintendent will not result in rapid improvement. In carrying out this  
3 subsection, the superintendent shall:

4 (i) In the case of a renewal of a turnaround plan, determine subsequent annual goals for  
5 each component of the plan with the input of the local stakeholder group as defined in this  
6 chapter; or

7 (ii) Create a new or modified turnaround plan as necessary, consistent with the  
8 requirements of this section.

9 (ee) Upon the designation of a school as a chronically underperforming school in  
10 accordance with the regulations developed pursuant to this section, the commissioner shall create  
11 a turnaround plan for the school pursuant to the provisions of this chapter.

12 (ff) Before creating the turnaround plan required in this subsection, the commissioner  
13 shall convene a local stakeholder group of not more than thirteen (13) individuals for the purpose  
14 of soliciting recommendations on the content of such plan in order to maximize the rapid  
15 academic achievement of students. The commissioner shall give due consideration to the  
16 recommendations of the stakeholder group. The group shall include:

17 (1) The superintendent, or a designee;

18 (2) The chair of the school committee, or a designee;

19 (3) The president of the local teacher's union, or a designee;

20 (4) An administrator from the school, who may be the principal, chosen by the  
21 superintendent;

22 (5) A teacher from the school chosen by the faculty of the school;

23 (6) A parent from the school chosen by the local parent organization;

24 (7) A representative of applicable state and local social service, health and child welfare  
25 agencies, chosen by the commissioner;

26 (8) A representative of state and local workforce development agencies, chosen by the  
27 commissioner;

28 (9)(i) For elementary schools, a representative of an early education and care provider,  
29 chosen by the commissioner of elementary and secondary education; or

30 (ii) For middle schools or high schools, a representative of the higher education  
31 community, selected by the council on postsecondary education;

32 (10) A member of the community appointed by the chief executive of the city or town;

33 (11) A member of the professional staff within the department's office of school and  
34 district accountability, with expertise in assisting with turnaround plans;

1           (12)(i) For elementary schools, a representative from the school, selected by the student  
2 body, to represent the interests of students; or

3           (ii) For middle schools or high schools, a student representative from the school, selected  
4 by the student body; and

5           (13) A paraprofessional or support staff member of the school, chosen by his or her peers  
6 at the school.

7           If the school or district does not have a parent organization or if the organization does not  
8 select a parent, the commissioner shall select a volunteer parent of a student from the school. The  
9 commissioner shall convene the group within thirty (30) days of the designation of a school as  
10 chronically underperforming and the group shall make its recommendations to the commissioner  
11 within forty-five (45) days of its initial meeting. Meetings of the local stakeholder group shall be  
12 open to the public and the recommendations submitted to the commissioner under this subsection  
13 shall be publicly available immediately upon their submission.

14           (gg) In creating the turnaround plan required in this chapter, the commissioner shall  
15 include, after considering the recommendations of the local stakeholder group, provisions  
16 intended to maximize the rapid academic achievement of students at the school and shall, to the  
17 extent practicable, base the plan on student outcome data, including, but not limited to:

- 18           (1) Data collected or information from a school or district review performed;
- 19           (2) Student achievement on the Rhode Island Comprehensive Assessment System;
- 20           (3) Other measures of student achievement, approved by the commissioner, as  
21 appropriate;
- 22           (4) Student promotion and graduation rates;
- 23           (5) Achievement data for different subgroups of students, including low-income students,  
24 limited English-proficient students and students receiving special education; and
- 25           (6) Student attendance ,dismissal rates and exclusion rates.

26           (hh) The commissioner shall include in the creation of the turnaround plan, after  
27 considering the recommendations of the local stakeholder group, the following:

- 28           (1) Steps to address social service and health needs of students at the school, and their  
29 families, in order to help students arrive and remain at school ready to learn; provided, however,  
30 that this may include mental health and substance abuse screening;
- 31           (2) Steps to improve or expand child welfare services and, as appropriate, law  
32 enforcement services in the school community, in order to promote a safe and secure learning  
33 environment;
- 34           (3) Steps to improve workforce development services provided to students at the school,

1 and their families, in order to provide students and families with meaningful employment skills  
2 and opportunities;

3 (4) Steps to address achievement gaps for limited English-proficient, special education  
4 and low-income students;

5 (5) Alternative English language learning programs for limited-English proficient  
6 students;

7 (6) A financial plan for the school, including any additional funds to be provided by the  
8 district, state, federal government or other sources; and

9 (7) Recommendations to limit, suspend, or change one or more provisions of any  
10 collective bargaining agreement, as the contract or agreement applies to the school.

11 (ii) The secretary of health and human services, director of labor and training, director of  
12 public safety and other applicable state and local social service, health and child welfare officials  
13 shall coordinate with the board of education and the commissioner regarding the implementation  
14 of strategies that are included in a final turnaround plan and shall, subject to appropriation,  
15 reasonably support the implementation consistent with the requirements of state and federal law  
16 applicable to the relevant programs that each official is responsible for administering.

17 (jj) In order to assess the school across multiple measures of school performance and  
18 student success, the turnaround plan shall include measurable annual goals including, but not  
19 limited to, the following:

20 (1) Student attendance, dismissal rates and exclusion rates;  
21 (2) Student safety and discipline;  
22 (3) Student promotion and graduation and dropout rates;  
23 (4) Student achievement on the Rhode Island Comprehensive Assessment System;  
24 (5) Progress in areas of academic underperformance;  
25 (6) Progress among subgroups of students, including low-income students, limited  
26 English-proficient students and students receiving special education;  
27 (7) Reduction of achievement gaps among different groups of students;  
28 (8) Student acquisition and mastery of twenty-first century skills;  
29 (9) Development of college readiness, including at the elementary and middle school  
30 levels;  
31 (10) Parent and family engagement;  
32 (11) Building a culture of academic success among students;  
33 (12) Building a culture of student support and success among school faculty and staff;  
34 and



1           (13) Developmentally appropriate child assessments from pre-kindergarten through third  
2 grade, if applicable.

3           (kk) Notwithstanding any general or special law to the contrary, in creating the  
4 turnaround plan required in this chapter, the commissioner may, after considering the  
5 recommendations of the group of stakeholders:

6           (1) Expand, alter or replace the curriculum and program offerings of the school, including  
7 the implementation of research-based early literacy programs, early interventions for struggling  
8 readers and the teaching of advanced placement courses or other rigorous nationally or  
9 internationally recognized courses, if the school does not already have such programs or courses;

10           (2) Reallocate the uses of the existing budget of the school;

11           (3) Provide additional funds to the school from the budget of the district, if the school  
12 does not already receive funding from the district at least equal to the average per pupil funding  
13 received for students of the same classification and grade level in the district;

14           (4) Provide funds, subject to appropriation, to increase the salary of an administrator or  
15 teacher in the school, in order to attract or retain highly-qualified administrators or teachers or to  
16 reward administrators, or teachers who work in chronically underperforming schools that achieve  
17 the annual goals set forth in the turnaround plan;

18           (5) Expand the school day or school year or both of the school;

19           (6) For an elementary school, add pre-kindergarten and full-day kindergarten classes, if  
20 the school does not already have such classes;

21           (7) Following consultation with applicable local unions and the superintendent, review  
22 professional evaluations currently performed under applicable laws and regulations, as well as  
23 any other relevant considerations, to determine if personnel placements are appropriate; if after  
24 that review and appropriate due process identified in this chapter, it is determined that any school  
25 personnel should not remain in a specific position, all due process and applicable laws shall be  
26 followed such that the employee may be placed in another role in the district, according to  
27 collective bargaining agreements and applicable laws;

28           (8) Limit, suspend or change one or more school district policies or practices, as such  
29 policies or practices relate to the school;

30           (9) Include a provision of job-embedded professional development for teachers at the  
31 school, with an emphasis on strategies that involve teacher input and feedback;

32           (10) Provide for increased opportunities for teacher planning time and collaboration  
33 focused on improving student instruction;

34           (11) Establish a plan for professional development for administrators at the school, with

1 an emphasis on strategies that develop leadership skills and use the principles of distributive  
2 leadership;

3 (12) Establish steps to assure a continuum of high expertise teachers by aligning the  
4 following processes with the common core of professional knowledge and skill: hiring, induction,  
5 teacher evaluation, professional development, teacher advancement, school culture and  
6 organizational structure;

7 (13) Develop a strategy to search for and study best practices in areas of demonstrated  
8 deficiency in the school;

9 (14) Establish strategies to address mobility and transiency among the student population  
10 of the school; and

11 (15) Include additional components, at the discretion of the commissioner, based on the  
12 reasons the school was designated as chronically underperforming and the recommendations of  
13 the local stakeholder group pursuant to this chapter.

14 (ll) If the commissioner, in consultation with the superintendent, determines that any  
15 school personnel should not remain in a specific position pursuant to the provisions of this  
16 section, the employee shall retain such rights as may be provided under applicable law or any  
17 collective bargaining agreement in relation to the employee's ability to fill another position in the  
18 district; provided, however, that the employee shall not have the right to displace any teacher with  
19 professional teacher status in any other school during a school year.

20 (mm) A teacher with professional teacher status in a school declared underperforming or  
21 chronically underperforming may be reassigned; provided, however, that the teacher receives five  
22 (5) days written notice of the decision to reassign which shall include, without limitation, an  
23 explanation of the reason why the commissioner, in consultation with the superintendent, is  
24 reassigning the teacher; provided, further, that the teacher may seek review of a reassignment  
25 decision within five (5) days after receiving notice of the teacher's reassignment by filing a  
26 petition for expedited arbitration with the commissioner; provided, further, that the commissioner  
27 shall cause an arbitrator to be selected within three (3) days of receipt of petition and shall  
28 conduct and complete a hearing within ten (10) days of receipt of the petition; provided, further,  
29 that in reviewing reassignment decisions, the arbitrator shall consider the components of the  
30 turnaround plan, any personnel evaluations conducted that are consistent with the guidelines  
31 established, and any other relevant considerations; and provided, further, that the arbitrator's  
32 decision shall be issued within 10 days from the completion of the hearing.

33 (nn) For a school with limited English-proficient students, the professional development  
34 and planning time for teachers and administrators identified in this chapter shall include specific

1 strategies and content designed to maximize the rapid academic achievement of the limited  
2 English-proficient students.

3 (oo) If the commissioner proposes to reallocate funds to the school from the budget of the  
4 district pursuant to this section, the commissioner shall notify the school committee, in writing, of  
5 the amount of and rationale for the reallocation.

6 (pp) Within thirty (30) days of the local stakeholder group making recommendations  
7 pursuant to the provisions of this chapter, the commissioner shall submit a turnaround plan to the  
8 local stakeholder group, the superintendent and the school committee, all of whom may propose  
9 modifications to the plan. The commissioner shall make the plan immediately available to the  
10 public upon submission. The stakeholder group, the superintendent and the school committee  
11 shall submit any proposed modifications to the commissioner within thirty (30) days after the  
12 date of submission of the turnaround plan and the proposed modifications shall be made public  
13 immediately upon their submission to the commissioner. The commissioner shall consider and  
14 incorporate the modifications into the plan if the commissioner determines that inclusion of the  
15 modifications would further promote the rapid academic achievement of students at the  
16 applicable school. The commissioner may alter or reject modifications submitted pursuant to this  
17 subsection. Within thirty (30) days of receiving any proposed modifications, the commissioner  
18 shall issue a final turnaround plan for the school and the plan shall be made publicly available.

19 (qq) Within thirty (30) days of the issuance of a final turnaround plan under subsection  
20 (p) of this section, a superintendent, school committee or local union may appeal to the council of  
21 elementary and secondary education regarding one or more components of the plan, including the  
22 absence of one or more modifications proposed under this chapter. A majority of the council, may  
23 vote to modify the plan if the council determines that:

24 (1) Such modifications would further promote the rapid academic achievement of  
25 students in the applicable school;

26 (2) A component of the plan was included, or a modification was excluded, on the basis  
27 of demonstrably-false information or evidence; or

28 (3) The commissioner failed to meet the requirements of this chapter. The decision of the  
29 council regarding an appeal under this subsection shall be made within thirty (30) days and shall  
30 be final.

31 (rr) In the case of a chronically underperforming school, the commissioner may, under  
32 the circumstances described in this section, send a targeted assistance team to the school to assist  
33 the superintendent with the implementation of the turnaround plan, require the superintendent to  
34 implement the turnaround plan, or select an external receiver to operate the school and implement

1 the turnaround plan. The commissioner may appoint such receiver if the commissioner  
2 determines that:

- 3 (1) The superintendent is unlikely to implement the plan successfully; or  
4 (2) Conditions exist in the district that are likely to negatively affect the ability of the  
5 superintendent to implement such plan successfully. A receiver shall be an individual with a  
6 demonstrated record of success in improving low performing schools or the academic  
7 performance of disadvantaged students.

8 The commissioner may select the external receiver upon the designation of a school as  
9 chronically underperforming. The external receiver may serve as the commissioner's designee for  
10 the purpose of creating a school's turnaround plan pursuant to the provisions of this chapter.

11 (ss) An external receiver selected by the commissioner to operate a chronically  
12 underperforming school shall have full managerial and operational control over the school as  
13 provided in the turnaround plan. For all other purposes, the school district in which the school is  
14 located shall remain the employer of record. A receiver for a chronically underperforming school  
15 shall not be required by contract to indemnify and hold harmless the state against any and all  
16 claims, liabilities and costs which arise out of the receiver's performance of its role in the creation  
17 or implementation of the turnaround plan. In connection with the performance of its role in the  
18 creation or implementation of the turnaround plan, the receiver may:

19 (1) Sue and be sued only to the same extent and upon the same conditions that a  
20 municipality may be sued;

21 (2) Receive and disburse funds for the chronically underperforming school; and

22 (3) Solicit and accept grants or gifts for the chronically underperforming school.

23 (tt) Each turnaround plan shall be authorized for a period of not more than three (3) years,  
24 subject to the provisions of this chapter. The superintendent or external receiver, as applicable,  
25 may develop additional components of the plan and shall develop annual goals for each  
26 component of the plan in a manner consistent with this chapter, all of which must be approved by  
27 the commissioner. The superintendent or external receiver, as applicable, shall be responsible for  
28 meeting the goals of the turnaround plan.

29 (uu) The commissioner or external receiver, as applicable, shall provide a written report  
30 to the school committee on a quarterly basis to provide specific information about the progress  
31 being made on the implementation of the school's turnaround plan. One of the quarterly reports  
32 shall be the annual evaluation pursuant to the provisions of this chapter.

33 (vv) The commissioner shall evaluate each chronically underperforming school at least  
34 annually. The purpose of the evaluation shall be to determine whether the school has met the

1 annual goals in its turnaround plan and assess the implementation of the plan at the school. The  
2 review shall be in writing and shall be submitted to the superintendent and the school committee  
3 not later than July 1 for the preceding school year. The review shall be submitted in a format  
4 determined by the department of elementary and secondary education.

5 (ww) If the commissioner determines that the school has met the annual performance  
6 goals stated in the turnaround plan, the review shall be considered sufficient and the  
7 implementation of the turnaround plan shall continue. If the commissioner determines that the  
8 school has not met one or more goals in the plan, the commissioner may modify the plan in a  
9 manner consistent with this chapter.

10 If the commissioner determines that the school has substantially failed to meet multiple  
11 goals in the plan, the commissioner may:

12 (1) If the school is operated by a superintendent, appoint an external receiver, as defined  
13 in subsection (r), to operate the school; or

14 (2) If the school is operated by an external receiver terminate the contract of the external  
15 receiver; provided, however, that the commissioner shall not terminate the receiver before the  
16 completion of the first full school year of the operation of the chronically underperforming  
17 school.

18 (xx) Upon the expiration of a turnaround plan for a chronically underperforming school,  
19 the commissioner shall conduct a review of the school to determine whether the school has  
20 improved sufficiently, requires further improvement or has failed to improve. On the basis of  
21 such review, the commissioner may:

22 (1) On the basis of a superintendent's or external receiver's success in meeting the terms  
23 of the plan, renew the plan with the superintendent or external receiver for an additional period of  
24 not more than three (3) years;

25 (2) If a school that is operated by a superintendent and remains chronically  
26 underperforming, appoint an external receiver, as defined in subsection (r), to operate the school;

27 (3) If a chronically underperforming school that is operated by an external receiver and  
28 remains chronically underperforming, transfer the operation of the school from the receiver to the  
29 applicable superintendent or to another external receiver; or

30 (4) Determine that the school has improved sufficiently for the designation of chronically  
31 underperforming to be removed. The commissioner shall:

32 (i) In the case of a renewal of an turnaround plan, jointly determine subsequent annual  
33 goals for each component of the plan with the superintendent or external receiver, as applicable;

34 or

1           (ii) Create a new or modified turnaround plan as necessary, consistent with the  
2 requirements of this section.

3           (yy) Notwithstanding any general or special law to the contrary, any underperforming or  
4 chronically underperforming school operating a limited-English proficient program or programs  
5 for limited English proficient students in any one language group shall establish a limited English  
6 proficient parent advisory council. The parent advisory council shall be comprised of parents or  
7 legal guardians of students who are enrolled in limited English proficient programs within the  
8 school. Each parent advisory council shall have at least one representative from every language  
9 group in which a program is conducted in a given school. Membership shall be restricted to  
10 parents or legal guardians of students enrolled in limited English proficient programs within the  
11 school. The duties of the parent advisory council shall include, but not be limited to, advising the  
12 school on matters that pertain to the education of students in limited English proficient programs,  
13 meeting regularly with school officials to participate in the planning and development of a plan to  
14 improve educational opportunities for limited English proficient students, and to participate in the  
15 review of school improvement plans established under law as they pertain to limited English  
16 proficient students. Any parent advisory council may, at its request, meet at least once annually  
17 with the school council. The parent advisory council shall establish by-laws regarding officers  
18 and operational procedures. In the course of its duties under this section, the parent advisory  
19 council shall receive assistance from the director of limited English proficient programs for the  
20 district or other appropriate school personnel as designated by the superintendent.

21           (zz) The council on elementary and secondary education shall adopt regulations  
22 regarding:

23           (1) The conditions under which an underperforming or chronically underperforming  
24 school shall no longer be designated as an underperforming or chronically underperforming  
25 school; and

26           (2) The transfer of the operation of an underperforming or a chronically underperforming  
27 school from a superintendent or an external receiver, as applicable, to the school committee. The  
28 regulations shall include provisions to allow a school to retain measures adopted in a turnaround  
29 plan for a transitional period if, in the judgment of the commissioner, the measures would  
30 contribute to the continued improvement of the school. Such regulations shall also include  
31 provisions that clearly identify the conditions under which such a transitional period shall end and  
32 the powers granted to the commissioner and board under this section shall cease to apply to a  
33 district previously designated as chronically underperforming.

34           The commissioner shall report annually to the committees of jurisdiction for education

1 issues in the house and senate, the speaker of the house of representatives and the senate president  
2 on the implementation and fiscal impact of this section. The report shall include, but not be  
3 limited to, a list of all schools currently designated as underperforming or chronically  
4 underperforming, a list of all districts currently designated as chronically underperforming, the  
5 plans and timetable for returning the schools and districts to the local school committee and  
6 strategies used in each of the schools and districts to maximize the rapid academic achievement  
7 of students.

8 **16-3.3-4. Determination of district's chronic under-performance; Designation of**  
9 **receiver; Creation of turnaround plan; annual review; Failure of municipality to fulfill**  
10 **fiscal responsibilities.**

11 (a) A district shall be deemed eligible for designation as chronically underperforming  
12 upon a determination by the council on elementary and secondary education, pursuant to  
13 regulations adopted by the council, that a school district, other than a single school district, has  
14 scored in the lowest ten percent (10%) statewide when compared to other districts of the same  
15 grade levels based on a single measure developed by the department that takes into account  
16 student achievement data collected pursuant to the provisions of this chapter and, beginning on  
17 July 1, 2021, improvement over time in student academic achievement. Following such  
18 determination, the commissioner shall appoint a district review team pursuant to the provisions of  
19 this chapter to assess and report on the reasons for the underperformance and the prospects for  
20 improvement, unless such an assessment has been completed by a district review team within the  
21 previous year that the commissioner considers adequate. The district review team shall include at  
22 least one person with expertise in the academic achievement of limited English-proficient  
23 students. Upon review of the findings of the district review team, the council may declare the  
24 district chronically underperforming.

25 (b) Following a declaration pursuant to subsection (a) of this section, the council shall  
26 designate a receiver for the district with all the powers of the superintendent and school  
27 committee. The receiver shall be an individual with a demonstrated record of success in  
28 improving low-performing schools or districts or the academic performance of disadvantaged  
29 students who shall report directly to the commissioner. An external receiver designated by the  
30 council to operate a district under this subsection shall have full managerial and operational  
31 control over such district; provided, however, that the school district shall remain the employer of  
32 record for all other purposes. A receiver for a chronically underperforming district shall not be  
33 required by contract to indemnify and hold harmless the state against any and all claims,  
34 liabilities and costs which arise out of the receiver's performance of its role in the creation or

1 implementation of the turnaround plan. In connection with the performance of its role in the  
2 creation or implementation of the turnaround plan, the receiver may:

3 (1) Sue and be sued only to the same extent and upon the same conditions that a  
4 municipality may be sued;

5 (2) Receive and disburse funds for the chronically underperforming district; and

6 (3) Solicit and accept grants or gifts for the district.

7 Not more than three (3) school districts may be designated as chronically  
8 underperforming at any given time.

9 (c) In adopting regulations allowing the board to designate a district as chronically  
10 underperforming, the board must ensure that the regulations account for multiple indicators of  
11 district quality including student attendance, dismissal rates, exclusion rates, student promotion  
12 and graduation rates in the district, or the lack of demonstrated significant improvement for two  
13 (2) or more consecutive years in core academic subjects, either in the aggregate or among  
14 subgroups of students, including designations based on special education classification, low-  
15 income, English language proficiency and racial classifications.

16 (d) The commissioner and the receiver shall jointly create a turnaround plan to promote  
17 the rapid improvement of the chronically underperforming district. The plan shall specifically  
18 focus on the school or schools in the district that have been designated as chronically  
19 underperforming pursuant to a determination made in accordance with the provisions of this  
20 chapter and the district policies or practices that have contributed to chronic underperformance.

21 (e) Before creating the turnaround plan required in this section, the commissioner and  
22 receiver shall convene a local stakeholder group of not more than thirteen (13) individuals for the  
23 purpose of soliciting recommendations on the content of such plan in order to maximize the rapid  
24 improvement of the academic achievement of students. The commissioner shall give due  
25 consideration to the recommendations of the local stakeholder group. The group shall include:

26 (1) The superintendent, or a designee;

27 (2) The chair of the school committee, or a designee;

28 (3) The president of the local teacher's union, or a designee;

29 (4) An administrator from the school, who may be the principal, chosen by the  
30 superintendent;

31 (5) A teacher from the school chosen by the faculty of the school;

32 (6) A parent from the school chosen by the local parent organization;

33 (7) A representative of applicable state and local social service, health and child welfare  
34 agencies, chosen by the commissioner;



1 (8) A representative of state and local workforce development agencies, chosen by the  
2 commissioner;

3 (9)(i) For elementary schools, a representative of an early education and care provider,  
4 chosen by the commissioner of elementary and secondary education, or

5 (ii) For middle schools or high schools, a representative of the higher education  
6 community, selected by the council on postsecondary education;

7 (10) A member of the community appointed by the chief executive of the city or town;

8 (11) A member of the professional staff within the department's office of school and  
9 district accountability, with expertise in assisting with turnaround plans;

10 (12)(i) For elementary schools, a representative from the school, selected by the student  
11 body, to represent the interests of students, or

12 (ii) For middle schools or high schools, a student representative from the school, selected  
13 by the student body; and

14 (13) A paraprofessional or support staff member of the school, chosen by his or her peers  
15 at the school.

16 If the district does not have a parent organization or if the organization does not select a  
17 parent, the commissioner shall select a volunteer parent of a student from the district. The  
18 commissioner and receiver shall convene the group within thirty (30) days of the board  
19 designating a district as chronically underperforming and the group shall make its  
20 recommendations to the commissioner and receiver within forty-five (45) days of its initial  
21 meetings. Meetings of the local stakeholder group shall be open to the public and the  
22 recommendations submitted to the commissioner and receiver shall be publicly available  
23 immediately upon their submission.

24 (f) In creating the turnaround plan, the commissioner and receiver shall include measures  
25 intended to maximize the rapid improvement of the academic achievement of students in the  
26 district and shall, to the extent practicable, base the plan on student outcome data, including, but  
27 not limited to:

28 (1) Data collected or information from a school or district review pursuant to the  
29 provisions of this chapter;

30 (2) Student achievement on the Rhode Island Comprehensive Assessment System;

31 (3) Other measures of student achievement, approved by the commissioner;

32 (4) Student promotion and graduation rates;

33 (5) Achievement data for different subgroups of students, including low-income students,  
34 limited English-proficient students and students receiving special education; and

1 (6) Student attendance, dismissal rates and exclusion rates.

2 In creating the turnaround plan required in subsection (b) of this section, the  
3 commissioner and receiver shall include, after considering the recommendations of the local  
4 stakeholder group, the following:

5 (i) Steps to address social service and health needs of students in the district and their  
6 families in order to help students arrive and remain at school ready to learn; provided, however,  
7 that this may include mental health and substance abuse screening;

8 (ii) Steps to improve or expand child welfare services and, as appropriate, law  
9 enforcement services in the school district community, in order to promote a safe and secure  
10 learning environment;

11 (iii) As applicable, steps to improve workforce development services provided to students  
12 in the district and their families in order to provide students and families with meaningful  
13 employment skills and opportunities;

14 (iv) Steps to address achievement gaps for limited English-proficient, special education  
15 and low-income students, as applicable;

16 (v) Alternative English language learning programs for limited-English proficient  
17 students; and

18 (vi) A budget for the district including any additional funds to be provided by the state,  
19 federal government or other sources; and

20 (vii) Recommendations to limit, suspend, or change one or more provisions of any  
21 collective bargaining agreement, as the contract or agreement applies to the school.

22 The secretary of health and human services, director of public safety, director of labor  
23 and training and other applicable state and local social service, health and child welfare officials  
24 shall coordinate with the board of education and the commissioner regarding the implementation  
25 of strategies pursuant to the provisions of this subsection that are included in an turnaround plan  
26 and shall, subject to appropriation, reasonably support the implementation consistent with the  
27 requirements of state and federal law applicable to the relevant programs that each such official is  
28 responsible for administering.

29 (g) In order to assess the district across multiple measures of district performance and  
30 student success, the turnaround plan shall include measurable annual goals including, but not  
31 limited to, the following:

32 (1) Student attendance, dismissal rates and exclusion rates;

33 (2) Student safety and discipline;

34 (3) Student promotion and graduation and dropout rates;

- 1           (4) Student achievement on the Rhode Island Comprehensive Assessment System;
- 2           (5) Progress in areas of academic underperformance;
- 3           (6) Progress among subgroups of students, including low-income students, limited
- 4 English-proficient students and students receiving special education;
- 5           (7) Reduction of achievement gaps among different groups of students;
- 6           (8) Student acquisition and mastery of twenty-first century skills;
- 7           (9) Development of college readiness, including at the elementary and middle school
- 8 levels;
- 9           (10) Parent and family engagement;
- 10          (11) Building a culture of academic success among students;
- 11          (12) Building a culture of student support and success among faculty and staff; and
- 12          (13) Developmentally appropriate child assessments from pre-kindergarten through third
- 13 grade, if applicable.
- 14          (h) Notwithstanding any general or special law to the contrary, in creating the turnaround
- 15 plan pursuant to subsection (b) of this section, the commissioner and the receiver may, after
- 16 considering the recommendations of the group of stakeholders:
- 17           (1) Expand, alter or replace the curriculum and program offerings of the district or of a
- 18 school in the district, including the implementation of research-based early literacy programs,
- 19 early interventions for struggling readers and the teaching of advanced placement courses or other
- 20 rigorous nationally or internationally recognized courses, if the district or schools in the district
- 21 do not already have such programs or courses;
- 22           (2) Reallocate the uses of the existing budget of the district;
- 23           (3) Provide funds, subject to appropriation, to increase the salary of an administrator, or
- 24 teacher in the district working in an underperforming or chronically underperforming school, in
- 25 order to attract or retain highly-qualified administrators, or teachers or to reward administrators or
- 26 teachers who work in chronically underperforming districts that achieve the annual goals set forth
- 27 in the turnaround plan;
- 28           (4) Expand the school day or school year or both of schools in the district;
- 29           (5) Add pre-kindergarten and full-day kindergarten classes, if the district does not already
- 30 have the classes;
- 31           (6) Following consultation with applicable local unions and the superintendent, review
- 32 professional evaluations currently performed under applicable laws and regulations, as well as
- 33 any other relevant considerations, to determine if personnel placements are appropriate; if after
- 34 that review and appropriate due process identified in this chapter, it is determined that any school

1 personnel should not remain in a specific position, all due process and applicable laws shall be  
2 followed such that the employee may be placed in another role in the district, according to  
3 collective bargaining agreements and applicable laws;

4 (7) Limit, suspend or change one or more school district policies or practices, as such  
5 policies or practices relate to the underperforming schools in the district;

6 (8) Include a provision of job-embedded professional development for teachers in the  
7 district, with an emphasis on strategies that involve teacher input and feedback;

8 (9) Provide for increased opportunities for teacher planning time and collaboration  
9 focused on improving student instruction;

10 (10) Establish a plan for professional development for administrators in the district, with  
11 an emphasis on strategies that develop leadership skills and use the principles of distributive  
12 leadership;

13 (11) Establish steps to assure a continuum of high expertise teachers by aligning the  
14 following processes with the common core of professional knowledge and skill: hiring, induction,  
15 teacher evaluation, professional development, teacher advancement, school culture and  
16 organizational structure;

17 (12) Develop a strategy to search for and study best practices in areas of demonstrated  
18 deficiency in the district;

19 (13) Establish strategies to address mobility and transiency among the student population  
20 of the district; and

21 (14) Include additional components, at the discretion of the commissioner and the  
22 receiver, based on the reasons the district was designated as chronically underperforming and  
23 based on the recommendations of the local stakeholder group in subsection (b) of this section.

24 (i) If the commissioner, in consultation with the superintendent, determines that any  
25 school personnel should not remain in a specific position pursuant to the provisions of this  
26 section, the employee shall retain such rights as may be provided under applicable law or any  
27 collective bargaining agreement in relation to the employee's ability to fill another position in the  
28 district; provided, however, that the employee shall not have the right to displace any teacher with  
29 professional teacher status in any other school during a school year.

30 (j) A teacher with professional teacher status in a school declared underperforming or  
31 chronically underperforming may be reassigned; provided, however, that the teacher receives five  
32 (5) days written notice of the decision to reassign which shall include, without limitation, an  
33 explanation of the reason why the commissioner, in consultation with the superintendent, is  
34 reassigning the teacher; provided, further, that the teacher may seek review of a reassignment

1 decision within five (5) days after receiving notice of the teacher's reassignment by filing a  
2 petition for expedited arbitration with the commissioner; provided, further, that the commissioner  
3 shall cause an arbitrator to be selected within three (3) days of receipt of petition and shall  
4 conduct and complete a hearing within ten (10) days of receipt of the petition; provided, further,  
5 that in reviewing reassignment decisions, the arbitrator shall consider the components of the  
6 turnaround plan, any personnel evaluations conducted that are consistent with the guidelines  
7 established, and any other relevant considerations; and provided, further, that the arbitrator's  
8 decision shall be issued within 10 days from the completion of the hearing.

9 (k) For a district with limited English-proficient students, the professional development  
10 and planning time for teachers and administrators inclusive, shall include specific strategies and  
11 content designed to maximize the rapid academic achievement of limited English-proficient  
12 students in the district.

13 (l) If, after considering the recommendations of the group of stakeholders, pursuant to the  
14 provisions of this chapter, the commissioner considers it necessary to maximize the rapid  
15 academic achievement of students at an underperforming or chronically underperforming school  
16 by altering the compensation, hours and working conditions of the administrators, teachers,  
17 principals and staff at the school or by altering other provisions of a contract or collective  
18 bargaining agreement applicable to the administrators, teachers, principals and staff, the  
19 commissioner may request that the school committee and any union bargain or reopen the  
20 bargaining of the relevant collective bargaining agreements to facilitate such achievement. The  
21 bargaining shall be conducted in good faith and completed not later than thirty (30) days from the  
22 point at which the commissioner requested that the parties bargain. The agreement shall be  
23 subject to ratification within ten (10) business days by the bargaining unit members in the school.  
24 If the parties are unable to reach an agreement within thirty (30) days or if the agreement is not  
25 ratified within ten (10) business days by the bargaining unit members of the school, the parties  
26 shall submit remaining unresolved issues to a joint resolution committee for dispute resolution  
27 process on the next business day following the end of the thirty (30) day bargaining period or  
28 failure to ratify.

29 (m) The joint resolution committee shall be comprised of three (3) members: one of  
30 whom shall be appointed by the employee organization within three (3) business days following  
31 the submission of unresolved issues to the joint resolution committee; one of whom shall be  
32 appointed by the school committee within three (3) business days following the submission of  
33 unresolved issues to the joint resolution committee; and one of whom shall be selected through  
34 the American Arbitration Association who shall forthwith forward to the parties a list of three (3)

1 conciliators, each of whom shall have professional experience in elementary and secondary  
2 education, from which the parties may agree upon a single conciliator; provided, however, that if  
3 the parties cannot select a conciliator from among the three (3) within three (3) business days, the  
4 American Arbitration Association shall select a conciliator from the remaining names. The joint  
5 resolution committee shall conduct a dispute resolution process to be concluded within ten (10)  
6 business days of selection. This process shall be conducted in accordance with the rules of the  
7 American Arbitration Association and consistent with this section; provided however, that all  
8 members of the joint resolution committee must agree to any resolution. The fee for the process  
9 shall be shared equally between the two (2) parties involved.

10 The joint resolution committee shall consider the positions of the parties, the designation  
11 of the school as underperforming or chronically underperforming, the designation of the district  
12 as chronically underperforming, and the needs of the students in the school. Notwithstanding any  
13 other provision of this chapter, the unanimous decision of the joint resolution committee shall be  
14 dispositive of all the issues in dispute and shall be submitted to the parties within ten (10)  
15 business days of the close of the hearing. Under no circumstance, shall a time extension be  
16 granted beyond ten (10) business days of the close of the hearing. In the event that a unanimous  
17 decision is not submitted to the parties within ten (10) business days, the commissioner will  
18 resolve all outstanding issues.

19 (n) The turnaround plan shall be authorized for a period of not more than three (3) years,  
20 subject to the provisions of this chapter. The commissioner and receiver may jointly develop  
21 additional components of the plan and shall jointly develop annual goals for each component of  
22 the plan in a manner consistent with the provisions of this chapter. The receiver shall be  
23 responsible for meeting the goals of the turnaround plan.

24 (o) The commissioner and receiver shall provide a written report to the school committee  
25 on a quarterly basis to provide specific information about the progress being made on the  
26 implementation of the district's turnaround plan. One of the quarterly reports shall be the annual  
27 evaluation required by this section.

28 (p) The commissioner shall evaluate the performance of the receiver on not less than an  
29 annual basis. The purpose of such evaluation shall be to assess the implementation of the  
30 turnaround plan and determine whether the district has met the annual goals contained in the  
31 turnaround plan. The evaluation shall be in writing and submitted to the board and the local  
32 school committee no later than July 1 for the preceding school year.

33 If the commissioner determines that the district has met the annual performance goals  
34 stated in the turnaround plan, the evaluation shall be considered sufficient and the implementation

1 of the turnaround plan shall continue.

2 (q) If the commissioner determines that the receiver has not met one or more goals in the  
3 plan and the failure to meet the goals may be corrected through reasonable modification of the  
4 plan, the commissioner may amend the turnaround plan, as necessary. After assessing the  
5 implementation of the turnaround plan in the district, the commissioner may amend the plan if the  
6 commissioner determines that the amendment is necessary in view of subsequent changes in the  
7 district that affect one or more components of the plan, including, but not limited to, changes to  
8 contracts, collective bargaining agreements, or school district policies, in manner consistent with  
9 the provisions of subsection (d) of this section. If the commissioner determines that the receiver  
10 has substantially failed to meet multiple goals in the turnaround plan, the commissioner may  
11 terminate such receiver; provided, however, that the termination shall not occur before the  
12 completion of the first full school year of the receivership of the district.

13 (r) After the period of receivership, there shall be a reevaluation of a district's status  
14 under this section. The council on elementary and secondary education shall adopt regulations  
15 providing for:

16 (1) The removal of a designation of a district as chronically underperforming; and

17 (2) The transfer of the operation of a chronically underperforming district from an  
18 external receiver to the superintendent and school committee, based on the improvement of the  
19 district.

20 The regulations shall include provisions to allow a district to retain measures adopted in a  
21 turnaround plan for a transitional period if, in the judgment of the commissioner, the measures  
22 would contribute to the continued improvement of the district. Such regulations shall also include  
23 provisions that clearly identify the conditions under which such a transitional period shall end and  
24 the powers granted to the commissioner and board under this section shall cease to apply to a  
25 district previously designated as chronically underperforming. At any time after a chronically  
26 underperforming district has been placed in receivership, the school committee of the district may  
27 petition the commissioner for a determination as to whether the turnaround plan adopted pursuant  
28 to the provisions of this chapter should be modified or eliminated and whether the school district  
29 shall no longer be designated as chronically underperforming. The decision of the commissioner  
30 shall be based on regulations adopted by the board. A school committee may seek review by the  
31 board of elementary and secondary education of an adverse determination.

32 (s) If, on the basis of the regulations adopted by the board pursuant to the provisions of  
33 this chapter, a district has not improved sufficiently to remove the designation of the district as  
34 chronically underperforming, the commissioner may:

1           (1) Jointly determine subsequent annual goals for each component of the turnaround plan  
2 with the receiver and renew the turnaround plan for an additional period of not more than three  
3 (3) years; or

4           (2) Create a new turnaround plan, consistent with the requirements of this section.

5           SECTION 8. This act shall take effect on January 1, 2020.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

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1           This act would provide that school principals shall be the educational administrators and  
2 managers of their school and supervise the operation and management of the school and school  
3 property, subject to the supervision and direction of the superintendent. Duties of the school  
4 principal shall include, but are not limited to, hiring and terminating all school personnel,  
5 overseeing the care, control and management of school facilities and equipment, and preparing a  
6 school budget.

7           This act further repeals the appointment of a commissioner of postsecondary education.

8           This act further provides that the board of education shall adopt a system for evaluating  
9 the performance of local education agencies and public schools on an annual basis. The system  
10 shall be designed to measure the outcomes and results of student performance and to improve the  
11 effectiveness of curriculum and instruction, while striking a balance among considerations of  
12 accuracy, fairness, expense and administration.

13           The act further establishes an office of school and district accountability to review and  
14 report on the efforts of schools, charter schools and school districts to improve the academic  
15 achievement of their students.

16           This act would take effect on January 1, 2020.

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