AN ACT

RELATING TO EDUCATION -- FUNDRAISING FOR PUBLIC SCHOOLS

Introduced By: Representatives McNamara, Caldwell, Noret, Ackerman, and Lyle
Date Introduced: January 10, 2020
Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

16-2-9. General powers and duties of school committees. [Effective January 1, 2020.]

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

(1) To identify educational needs in the community.

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

(3) To provide for and ensure the implementation of federal and state laws, the regulations of the council on elementary and secondary education, and local school policies, programs, and directives.

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

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

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

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

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

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

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

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

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


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

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

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

(17) To hear appeals from disciplinary actions.

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

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

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

(21) To provide for transportation services that meet or exceed standards of the council on
elementary and secondary education.

(22) To make any reports to the department of education as are required by the council on
elementary and secondary education.

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

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

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

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

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

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

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

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

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

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

(h) School committees shall have discretion to disburse funds to schools to close any deficits that may remain after efforts to raise funds or accept donations for field trips have
concluded, provided that the school committee or board for the district expressly approves the use
and amount of the school resources for the trip by an affirmative vote in open session.

SECTION 2. Section 16-38-6 of the General Laws in Chapter 16-38 entitled "Offenses
Pertaining to Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
hereby amended to read as follows:


(a) Except as provided otherwise in subsection (e) of this section, no public school
official or public school employee shall, for any purpose, solicit or exact from any pupil in any
public school any contribution or gift of money or any article of value, or any pledge to contribute
any money or article of value. No public school teacher shall accept payment for tutoring directly
from the parents of a student under his or her instruction. If a teacher is to be assigned and
compensated as a tutor for a student under his or her instruction, the assignment and compensation
must be through the school department pursuant to policies and procedures adopted by the school
committee. Nothing in this section shall be interpreted to prohibit a teacher from tutoring a student
who is not concurrently under his or her instruction in the public school and receiving compensation
for the tutoring from the parents of the student.

(b) No commercial goods or services shall be sold to students in the public schools or on
public school property, nor shall any commercial materials (flyers, literature, advertisements,
commercial materials, or solicitations) be sent home with students from the public school, except
as authorized pursuant to policies and procedures adopted by the local school committee, which
shall, at a minimum, address the following:

(1) The conduct and financial accountability of public school employees and public school
officials engaged in commercial activities for the benefit of public schools;

(2) The use of schoolchildren to deliver commercial materials to parents.

(c) Any approved fundraising activity shall be conducted on a voluntary basis and in
accordance with rules and regulations promulgated by the school committee, which shall at a
minimum, address the following:

(1) The conduct and financial accountability of public school employees and public school
officials engaged in fundraising activities for the benefit of public schools;

(2) The specific circumstances, if any, for door to door solicitations and door to door sales
by public school students for fundraising;

(3) The use of schoolchildren to deliver fundraising materials to parents.

(d) The commissioner of elementary and secondary education shall provide technical
assistance to assist the school committees of the several towns and cities in the formulation of the
local policies and procedures mandated by this section.

(e) The provisions of this section shall not prohibit a school district from requesting or accepting a donation from a student or the student's parent or legal guardian, in whole or in part, for the cost of district-sponsored field trips, provided that the district shall pay for the costs to attend and participate in these field trips by meeting any deficit that may remain after efforts to raise funds or accept donations have concluded; and provided further that all requests for donations include a written statement that all donations are voluntary, and no student will be denied participation or attendance for failure to donate. No students shall be individually identified in regard to these donations. The provisions of this section shall not prohibit a school district from establishing a minimum goal for fundraising and to receive donations as a prerequisite to determining whether the district shall undertake or participate in a field trip; provided, establishing minimum goals for fundraising and to receive donations as a prerequisite for determining whether to undertake or participate in a field trip shall not be utilized for any field trip that is part of the state's basic education program, commonly referred to as the "BEP".

SECTION 3. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- FUNDRAISING FOR PUBLIC SCHOOLS

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This act would allow a school district to request or accept a donation from a student or the
student's parent or legal guardian, in whole or in part, for the cost of district-sponsored field trips,
provided that the district would pay the costs to meet any deficit that may remain after efforts to
raise funds have concluded.

This act would take effect upon passage.

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