

2020 -- H 7804

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Jacquard, and Corvese

Date Introduced: February 26, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

4 **16-2-9. General powers and duties of school committees. [Effective January 1, 2020.]**

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

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

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

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

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

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

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

18 (7) To approve a master plan defining goals and objectives of the school system. These
19 goals and objectives shall be expressed in terms of what men and women should know and be able

1 to do as a result of their educational experience. The committee shall periodically evaluate the
2 efforts and results of education in light of these objectives.

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

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

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

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

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

13 (13) To give advice and consent on the appointment by the superintendent of all school
14 department personnel. ~~[Deleted by P.L. 2019, ch. 224, § 2 and P.L. 2019, ch. 259, § 2].~~

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

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

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

19 (17) To hear appeals from disciplinary actions.

20 (18) To enter into contracts; provided, however, that notwithstanding any other provision
21 of the general or public laws, whether of specific or general application, and notwithstanding the
22 provisions of any charter of any municipality where the school committee is appointed and not
23 elected, but not including, the Central Falls school district board of trustees established by § 16-2-
24 34, the power and duty to enter into collective bargaining agreements shall be vested in the chief
25 executive officer of the municipality and not in the school committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

- 1 This act would restore the power of school committees to give advice and consent on the
- 2 appointment by the superintendent of all school department personnel.
- 3 This act would take effect upon passage.

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