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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - BOARD OF GOVERNORS FOR HIGHER EDUCATION

Introduced By: Representatives MacBeth, Menard, Tomasso, DaSilva, and Azzinaro

Date Introduced: February 15, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-59-4 of the General Laws in Chapter 16-59 entitled "Board of
2 Governors for Higher Education" is hereby amended to read as follows:

3 **16-59-4. Powers and duties of board.** -- The board of governors for higher education
4 shall have, in addition to those enumerated in section 16-59-1, the following powers and duties:

5 (1) To approve a systematic program of information gathering, processing, and analysis
6 addressed to every level, aspect, and form of higher education in this state especially as that
7 information relates to current and future educational needs so that current needs may be met with
8 reasonable promptness and plans formulated to meet future needs as they arise in the most
9 efficient and economical manner possible.

10 (2) To approve a master plan defining broad goals and objectives for higher education in
11 the state including a comprehensive capital development program. These goals and objectives
12 shall be expressed in terms of what men and women should know and be able to do as a result of
13 their educational experience. The board of governors shall continuously evaluate the efforts and
14 results of education in the light of these objectives.

15 (3) To formulate broad policy to implement the goals and objectives established and
16 adopted by the board of governors, to adopt standards and require enforcement and to exercise
17 general supervision over all higher public education in the state and over independent higher
18 education in the state as provided in subdivision (8) of this section. The board of governors shall
19 not engage in the operation or administration of any subordinate committee, university, junior

1 college, or community college, except its own office of higher education and except as
2 specifically authorized by an act of the general assembly; provided, the presidents of each
3 institution of higher learning shall be the chief administrative and executive officers of that
4 institution; and provided that nothing contained in this section shall prohibit their direct access to
5 or interfere with the relationship between the presidents and the board of governors. The adoption
6 and submittal of the budget, the approval of tables of organization, the creation, abolishment, and
7 consolidation of departments, divisions, programs, and courses of study, and the acquisition,
8 holding, disposition, and general management of property shall not be construed to come within
9 the purview of the preceding prohibition. The board shall communicate with and seek the advice
10 of the commissioner of higher education and all those concerned with and affected by its
11 determinations as a regular procedure in arriving at its conclusions and in setting its policy.

12 (4) To prepare and maintain a five (5) year funding plan for higher education; to prepare
13 with the assistance of the commissioner of higher education and to present annually to the state
14 budget officer in accordance with section 35-3-4 a state higher educational budget, which shall
15 include, but not be limited to, the budget of the office of higher education and the budget of the
16 state colleges. In the preparation of the budget, the board shall determine priorities of
17 expenditures for public higher education purposes of state revenues and other public resources
18 made available for the support of higher public education. Nothing contained in this subdivision
19 shall authorize the board to alter the allocation of grants or aid otherwise provided by law.

20 (5) To maintain an office of higher education; to provide for its staffing and
21 organization; and to appoint a commissioner of higher education pursuant to section 16-59-6, who
22 shall serve at its pleasure. The commissioner of higher education and the office of higher
23 education shall have the duties and responsibilities as defined in sections 16-59-6 and 16-59-7.

24 (6) To appoint and dismiss presidents of the public institutions of higher learning with
25 the assistance of the commissioner of higher education, and to establish procedures for this, and
26 with the assistance of the commissioner to approve or disapprove vice presidents of the public
27 institutions of higher learning appointed by the respective presidents of the public institutions of
28 higher learning.

29 (7) To establish other educational agencies or subcommittees necessary or desirable for
30 the conduct of any or all aspects of higher education and to determine all powers, functions, and
31 composition of any agencies or subcommittees and to dissolve them when their purpose shall
32 have been fulfilled.

33 (8) To exercise the authority vested in the board of regents for education with relation to
34 independent higher educational institutions within the state under the terms of chapter 40 of this

1 title, and other laws affecting independent higher education in the state.

2 (9) To enforce the provisions of all laws relating to higher education, public and
3 independent.

4 (10) To be responsible for all the functions, powers, and duties which were vested in the
5 board of regents for education relating to higher education, including but not limited to the
6 following specific functions:

7 (i) To approve the tables of organization at public institutions of higher learning with the
8 assistance of the commissioner of higher education.

9 (ii) To adopt and require standard accounting procedures for the office of higher
10 education and all public colleges and universities.

11 (iii) To create, abolish, and consolidate departments, divisions, programs, and courses of
12 study within the public colleges and universities with the assistance of the commissioner of
13 higher education after consultation with the presidents.

14 (iv) To establish a clear and definitive mission for each public institution of higher
15 learning with the assistance of the commissioner of higher education.

16 (v) To promote maximum efficiency, economy, and cooperation in the delivery of public
17 higher educational services in the state and cooperation with independent institutions of higher
18 education.

19 (11) To incorporate into its own affirmative action reporting process periodic reports
20 monitoring specific faculty and staff searches by the chairperson of the search committee to
21 include the rationale for granting those interviews and the final hiring results. The institutions
22 must empower its affirmative action officer to monitor searches in this manner, to intervene
23 during the search, and, when necessary, to cause a search to cease if affirmative action goals are
24 not being adequately served.

25 (12) To incorporate a specific category for accountability on affirmative action goals and
26 implementation as part of the board's annual evaluations and three (3) year reviews for the
27 presidents of each of the public institutions of higher education.

28 (13) To make a formal request of the governor that whenever an opportunity arises to
29 make new appointments to the board, that the governor make every effort to increase the number
30 of African Americans, Native Americans, Asians, and Hispanics on the board.

31 (14) Within ninety (90) days after the end of each fiscal year, the board shall submit an
32 annual report to the governor, the speaker of the house of representatives, and the president of the
33 senate of its activities during that fiscal year. The report shall provide: an operating statement
34 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or

1 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,
2 and programs administered or initiated; a consolidated financial statement of all funds received
3 and expended including the source of the funds, a listing of any staff supported by these funds,
4 and a summary of any clerical, administrative or technical support received; a summary of
5 performance during the previous fiscal year including accomplishments, shortcomings and
6 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the
7 authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and
8 findings and recommendations for improvements. The director of the department of
9 administration shall be responsible for the enforcement of the provisions of this subsection.

10 (15) The board shall conduct a training course for newly appointed and qualified
11 members within six (6) months of their qualification. The course shall be developed by the
12 chairperson of the board, approved by the board, and conducted by the chairperson of the board.
13 The board may approve the use of any board or staff members or other individuals to assist with
14 training. The training course shall include instruction in the following areas: the provisions of
15 chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of
16 administration shall, within ninety (90) days of the effective date of this act [March 24, 2006]
17 prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and
18 38-2.

19 (16) The board shall require that the department of elementary and secondary education
20 use federal education funds exclusively for special education requirements pursuant to federal law
21 and regulations, 20 U.S.C. 1400, et seq. and 34 CFR Part 300. The Rhode Island department of
22 elementary and secondary education shall submit to the general assembly, on an annual basis, an
23 independent accounting of all expenditures of federal special education monies clearly identifying
24 the expenditure and its link to furthering a special education requirement set forth in federal
25 special education law and regulation. The Rhode Island department of elementary and secondary
26 education is prohibited from expending money identified under this section for any purpose not
27 clearly identified in the laws and regulations cited within this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION - BOARD OF GOVERNORS FOR HIGHER EDUCATION

- 1 This act would require that the Rhode Island department of elementary and secondary
- 2 education spend federal special education funds on specific special education programs.
- 3 This act would take effect upon passage.

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