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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 -- SCHOOL COMMITTEES AND SUPERINTENDANTS

Introduced By: Representatives Morgan, Ehrhardt, Newberry, Costa, and Chippendale

Date Introduced: February 16, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-9 and 16-2-21.4 of the General Laws in Chapter 16-2 entitled
2 "School Committees and Superintendents" are hereby amended to read as follows:

3 **16-2-9. General powers and duties of school committees.** -- (a) The entire care,
4 control, and management of all public school interests of the several cities and towns shall be
5 vested in the school committees of the several cities and towns. School committees shall have, in
6 addition to those enumerated in this title, the following powers and duties:

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

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

9 (3) To provide for and assure the implementation of federal and state laws, the
10 regulations of the board of regents for elementary and secondary education, and of local school
11 policies, programs, and directives.

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

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

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

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

- 1 (8) To provide for the location, care, control, and management of school facilities and
2 equipment.
- 3 (9) To adopt a school budget to submit to the local appropriating authority.
- 4 (10) To adopt any changes in the school budget during the course of the school year.
- 5 (11) To approve expenditures in the absence of a budget, consistent with state law.
- 6 (12) To employ a superintendent of schools and assign any compensation and other
7 terms and conditions as the school committee and superintendent shall agree, provided that in no
8 event shall the term of employment of the superintendent exceed three (3) years. Nothing
9 contained in this chapter shall be construed as invalidating or impairing a contract of a school
10 committee with a school superintendent in force on May 12, 1978.
- 11 (13) To give advice and consent on the appointment by the superintendent of all school
12 department personnel.
- 13 (14) To establish minimum standards for personnel, to adopt personnel policies, and to
14 approve a table of organization.
- 15 (15) To establish standards for the evaluation of personnel.
- 16 (16) To establish standards for conduct in the schools and for disciplinary actions.
- 17 (17) To hear appeals from disciplinary actions.
- 18 (18) To enter into contracts; provided, however, ~~that notwithstanding any other provision~~
19 ~~of the general or public laws, whether of specific or general application, and notwithstanding the~~
20 ~~provisions of any charter of any municipality where the school committee is appointed and not~~
21 ~~elected, but not including, the Central Falls school district board of trustees established by section~~
22 ~~16-2-34, the power and duty to enter into collective bargaining agreements shall be vested in the~~
23 ~~chief executive officer of the municipality and not in the school committee~~ that no collective
24 bargaining agreement between the city or town and any labor organization, or any employment
25 contract with any individual employed by a school department, shall become effective unless and
26 until ratified by the city or town council.
- 27 (19) To publish policy manuals which shall include all school committee policies.
- 28 (20) To establish policies governing curriculum, courses of instruction, and text books.
- 29 (21) To provide for transportation services which meet or exceed standards of the board
30 of regents for elementary and secondary education.
- 31 (22) To make any reports to the department of education as are required by the board of
32 regents for elementary and secondary education.
- 33 (23) To delegate, consistent with law, any responsibilities to the superintendent as the
34 committee may deem appropriate.

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

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

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

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

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

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

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

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

31 (g) Notwithstanding any other provision of law, whether of general or specific
32 application, and notwithstanding any contrary provision of any city or town charter or ordinance,
33 the elected school committee of any city, town and regional school district shall be, and is hereby
34 authorized to retain the services of such independent legal counsel as it may deem necessary and

1 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the
2 school committee, and in no event shall the independent counsel be deemed to be an employee of
3 the pertinent city or town for any purpose.

4 **16-2-21.4. School budgets -- Compliance with certain requirements. --** (A)

5 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
6 town, or regional school committee determines that its budget is insufficient to comply with the
7 provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee
8 shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an
9 appropriated budget. The chairperson of the city, town, or regional school committee, in
10 accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,
11 in writing, to seek alternatives for the district to comply with state regulations and/or provide
12 waivers to state regulations and, in particular, those which are more restrictive than federal
13 regulations that allow the school committee to operate with a balanced budget. Waivers which
14 affect the health and safety of students and staff or which violate the provisions of chapter 24 of
15 this title shall not be granted. The commissioner must consider alternatives for districts to comply
16 with regulations and/or provide waivers to regulations in order that the school committee may
17 operate with a balanced budget within the previously authorized appropriation. In the petition to
18 the commissioner, the school committee shall be required to identify the alternatives to meet
19 regulations and/or identify the waivers it seeks in order to provide the commissioner with the
20 revised budget which allows it to have a balanced budget within the previously authorized
21 appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of
22 the written petition from the school committee. If the commissioner does not approve of the
23 alternatives to meet regulations or the waivers from regulations which are sought by the school
24 committee, or if the commissioner does not approve of the modified expenditure plan submitted
25 by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,
26 the school committee may submit a written request to the city or town council for the council of
27 the municipality to decide whether to increase the appropriation for schools to meet expenditures.
28 The decision to increase any appropriations shall be conducted pursuant to the local charter or the
29 public law controlling the approval of appropriations within the municipality; or (2) in a regional
30 school district, the chairperson of the school committee may, within ten (10) days of receiving the
31 commissioner's response, submit a written request to the chief elected official of each of the
32 municipalities to request that the city or town council in each of their respective towns meet to
33 decide whether or not to increase the appropriation for schools to meet expenditures. The decision
34 to increase any appropriations shall be conducted pursuant to the local charter or the public law

1 controlling the approval of appropriations within the municipality.

2 ~~(b) In the event of a negative vote by the appropriating authority, the school committee~~
3 ~~shall have the right to seek additional appropriations by bringing an action in the superior court~~
4 ~~for the county of Providence and shall be required to demonstrate that the school committee lacks~~
5 ~~the ability to adequately run the schools for that school year with a balanced budget within the~~
6 ~~previously authorized appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23,~~
7 ~~and 16-7-24. In no event shall any court order obtained by the school committee have force and~~
8 ~~effect for any period longer than the fiscal year for which the litigation is brought. Any action~~
9 ~~filed pursuant to this section shall be set down for a hearing at the earliest possible time and shall~~
10 ~~be given precedence over all matters except older matters of the same character. The court shall~~
11 ~~render its decision within thirty (30) days of the close of the hearings. Upon the bringing of an~~
12 ~~action in the superior court by the school committee to increase appropriations, the chief~~
13 ~~executive officer of the municipality, or in the case of a regional school district the chief elected~~
14 ~~officials from each of the member municipalities, shall cause to have a financial and performance~~
15 ~~audit in compliance with the generally acceptable governmental auditing standards of the school~~
16 ~~department conducted by the auditor general, the bureau of audits, or a certified public accounting~~
17 ~~firm qualified in performance audits. The results of the audit shall be made public upon~~
18 ~~completion and paid for by the school committee to the state or private certified public~~
19 ~~accounting firm.~~

20 ~~(c) The auditor general shall select the auditor if the audit is not directly performed by~~
21 ~~his or her office.~~

22 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 -- SCHOOL COMMITTEES AND SUPERINTENDANTS

1 This act would repeal the so-called Caruolo act. This act would also provide city and
2 town councils with the authority to ratify collective bargaining agreements negotiated by school
3 committees.

4 This act would take effect upon passage.

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