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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 SUPERINTENDENTS

Introduced By: Representatives Phillips, Johnston, Reilly, Ehrhardt, and McLaughlin

Date Introduced: March 06, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-9 and 16-2-9.3 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.
- 24 (19) To publish policy manuals which shall include all school committee policies.
- 25 (20) To establish policies governing curriculum, courses of instruction, and text books.
- 26 (21) To provide for transportation services which meet or exceed standards of the board
27 of regents for elementary and secondary education.
- 28 (22) To make any reports to the department of education as are required by the board of
29 regents for elementary and secondary education.
- 30 (23) To delegate, consistent with law, any responsibilities to the superintendent as the
31 committee may deem appropriate.
- 32 (24) To address the health and wellness of students and employees.
- 33 (25) To establish a subcommittee of the school board or committee to decrease obesity
34 and address school health and wellness policies for students and employees consistent with

1 section 16-21-28.

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

4 (27) To establish an audit subcommittee of the school board or committee to meet the
5 requirements of subsection 16-2-9(f) and to insure that sound fiscal practices are adhered to. The
6 composition and responsibilities of the audit subcommittee shall be determined by the advisory
7 council on school finances as provided for in subsection 16-2-9.3(b).

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

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

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

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

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

32 (g) Notwithstanding any other provision of law, whether of general or specific
33 application, and notwithstanding any contrary provision of any city or town charter or ordinance,
34 the elected school committee of any city, town and regional school district shall be, and is hereby

1 authorized to retain the services of such independent legal counsel as it may deem necessary and
2 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the
3 school committee, and in no event shall the independent counsel be deemed to be an employee of
4 the pertinent city or town for any purpose.

5 **16-2-9.3. The advisory council on school finances.** -- (a) The legislature hereby finds
6 and declares that there is a need for an advisory council on school finances to strengthen the fiscal
7 accountability of school districts, regional school districts, state schools and charter schools in
8 Rhode Island. The council shall be composed of five (5) members as follows:

9 (1) The auditor general of the state of Rhode Island or his or her designee;

10 (2) The executive director of the Rhode Island association of school committees or his or
11 her designee;

12 (3) The president of the Rhode Island association of school business officials or his or
13 her designee;

14 (4) The commissioner of elementary and secondary education or his or her designee; and

15 (5) The director of the department of administration or his or her designee. The auditor
16 general or his or her designee shall serve as chair of the council. By July 1, 2005, the council shall
17 develop recommendations for a uniform system of accounting, including a chart of accounts for
18 all school districts, regional school districts, state schools and charter schools. By July 1, 2009 the
19 council shall develop recommendations for a uniform system of accounting for all educational
20 regional collaboratives identified in section 16-3.1. Said recommendations shall be advisory in
21 nature and may be adopted by the office of auditor general and the department of elementary and
22 secondary education in part or in whole.

23 (b) The council shall meet no less than annually and recommend changes in accounting
24 procedures to be adopted by school districts, regional school districts, state schools and charter
25 schools, [to provide guidelines for the development, responsibilities, and composition of the](#)
26 [school committee or school board audit committee as provided for in subdivision 16-2-9\(27\)](#), as
27 well as apprise school business officials, charter school officials, school committees and school
28 superintendents, school administrators and state school officials about professional development
29 opportunities that promotes sound fiscal practices and a knowledge of current state and federal
30 rules and regulations regarding school finance. The council shall also report, annually, its
31 activities and recommendations to the house committee on education accountability, the senate
32 committee on education and the office of the governor.

1 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 SUPERINTENDENTS

1 This act would authorize and direct school committees to establish an audit subcommittee
2 of the school board or committee to insure that sound fiscal practices are adhered to. The
3 composition and responsibilities of the audit subcommittee would be determined by the advisory
4 council on school finances.

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