

2012 -- S 2239

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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: Senators Tassoni, Kettle, P Fogarty, and Pinga

Date Introduced: January 26, 2012

Referred To: Senate Education

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" is 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 and the city and town councils of the several cities and towns.
6 For purposes of classification, it is the intention of the general assembly that school committees
7 and city and town councils shall both work in conjunction to provide the best education possible
8 for the students of this state, but that both branches of government shall have separate and distinct
9 functions to achieve this goal. As a further general statement of intent, it is the express purpose of
10 this legislation to provide that school committees have powers and duties over the direct
11 provision of educational services, including but not limited to, the hiring and retention of
12 personnel unless otherwise provided in the city or town charter, the content and curriculum to be
13 provided, educational administration, and the pedagogy employed. In contrast, the city and town
14 councils shall have direct control over the direct financial aspects of the education, including total
15 budgets to be expended, the amount of salaries, the interior maintenance of the school buildings
16 and capital improvements, including, but not limited to, maintenance, and any other direct
17 expenditure of money. The chief financial officer of each city or town shall ensure there is no
18 duplication of services by city and town councils and school committees. Recognizing that there
19 are educational functions that involve both financial and educational aspects, the general

1 assembly declares that ~~School~~ school committees shall have, in addition to those enumerated in
2 this title, the following powers and duties:

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

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

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

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

9 (5) To have responsibility for the care and control of local schools, except that
10 expenditures for maintenance and physical upkeep of school grounds outside of the school
11 buildings and school-related buildings, shall be within the authority of city and town councils.
12 The maintenance and physical upkeep of a building that contains a gymnasium, pool, physical
13 education building, auto repair facility, and/or other facility which is used by the students of the
14 school district and that is detached from or otherwise outside of the actual school building where
15 classroom instruction takes place, shall be within the authority of the respective school
16 committees. The maintenance and upkeep of the grounds surrounding such facilities shall be
17 within the authority of the respective city and town councils.

18 (6) To have overall policy responsibility for the employment and discipline of school
19 department personnel, except that salaries shall be provided in accordance with a scale
20 established by the city and town councils pursuant to section 16-7-29.

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

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

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

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

29 ~~To approve expenditures in the absence of a budget, consistent with state law.~~

30 (12) To employ a superintendent and assistant superintendent of schools and assign any
31 compensation and other terms and conditions as the ~~school committee~~ city and town councils and
32 superintendent shall agree, provided that in no event shall the term of employment of the
33 superintendent exceed three (3) years. Nothing contained in this chapter shall be construed as
34 invalidating or impairing a contract of a school committee with a school superintendent in force

1 on May 12, 1978, and/or which was signed or renewed within three (3) years prior to the effective
2 date of this act.

3 (13) To give advice and consent on the appointment by the superintendent of all school
4 department personnel.

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

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

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

9 (17) To hear appeals from disciplinary actions.

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

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

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

19 (21) To provide for transportation services which meet or exceed standards of the board
20 of regents for elementary and secondary education.

21 (22) To make any reports to the department of education as are required by the board of
22 regents for elementary and secondary education.

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

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

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

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

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

34 (c) The elected school committees of each city, town, or regional school district, or the

1 chief executive officer of any municipality having an appointed school committee, shall have the
2 power to bind their successors and successor committees by entering into contracts of
3 employment in the exercise of their governmental functions, provided that said contracts are in
4 accordance with the fee schedule established by the city and town councils. City and town
5 councils shall establish fee schedules which shall provide salary scales and ranges for employees
6 of the respective city or towns' schools and/or school department as provided for in section 16-7-
7 29.

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

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

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

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

31 SECTION 2. Section 16-7-29 of the General Laws in Chapter 16-7 entitled "Foundation
32 Level School Support" is hereby amended to read as follows:

33 **16-7-29. Minimum salary schedule.** -- (a) Every municipality and regional school
34 district shall ~~establish and~~ put into full effect the salary schedule established by appropriate action

1 of its ~~school committee in a municipality or regional school district where the school committee~~
2 ~~is elected, city or town council. or by appropriate action of the chief executive officer, in a~~
3 ~~municipality where the school committee is appointed;~~ Said salary schedule shall be a salary
4 schedule recognizing years of service, experience, and training for all certified personnel
5 regularly employed in the public schools and having no more than twelve (12) annual steps. The
6 term "school year" as applied to the salary schedule means the ten (10) calendar months
7 beginning in September and ending the following June. Any contracts of employment with
8 certified personnel entered into by a school committee shall incorporate such a salary schedule.

9 (b) Nothing in this section shall prohibit a freeze or reduction of the monetary value of
10 the steps in the salary schedule through the collective bargaining process.

11 SECTION 3. This act shall not effect or apply to any municipality in receivership, or the
12 Central Falls school district board of trustees established by section 16-2-34.

13 SECTION 4. It is the intent of this act that any consolidation or separation of services
14 necessitated by the provisions of this act shall not result in any immediate layoffs, and/or other
15 termination of employment or change in union status of any personnel employed by either the
16 school department and/or a municipality subject to this act. Rather, it is the intent of this act that
17 any reduction in said personnel shall be achieved by way of retirement, voluntary separation,
18 and/or other means of attrition.

19 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would vest school committees with the powers and duties over the direct
2 provision of educational services, including, but not limited to, the hiring and retention of
3 personnel, the content and curriculum to be provided, educational administration, and the
4 pedagogy employed. In contrast, the city and town councils would have direct control over the
5 direct financial aspects of the education, including total budgets to be extended, the amount of
6 salaries, the grounds of the schools outside of school buildings including, but not limited to,
7 outside maintenance, and any other direct expenditure of money.

8 This act would not effect or apply to any municipality in receivership, or the Central Falls
9 school district board of trustees established by section 16-2-34.

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