

2014 -- H 8204

=====
LC005689
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO EDUCATION

Introduced By: Representatives McNamara, Mattiello, DeSimone, MacBeth, and Serpa

Date Introduced: May 15, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-45.1-1 and 16-45.1-2 of the General Laws in Chapter 16-45.1
2 entitled "Career and Technical Education [See Title 16 Chapter 97 - The Rhode Island Board of
3 Education Act]" are hereby amended to read as follows:

4 **16-45.1-1. Findings.** -- The general assembly finds and declares as follows:

5 (1) The Rhode Island economy will benefit from a highly skilled workforce;

6 (2) Career and technical education must be informed by the needs of local businesses
7 industries and employers, in creating, growing and locating employment opportunities for job
8 seekers with the requisite knowledge, skills and abilities desired by employers;

9 (3) Career and technical education should provide an integrated career pathway system
10 to respond to the needs of businesses, small and large, as well as innovative and emerging
11 industries; and

12 (4) Based upon the current and future demands for a highly skilled workforce, career and
13 technical education should provide a foundation for students to succeed in career and/or higher
14 education opportunities.

15 (5) There is a need to establish a coordinated and comprehensive system of career and
16 technical education for students within the state with a focus on coordination, efficiencies, quality
17 of program offerings, and outcomes throughout the state. Therefore, effective January 30, 2015,
18 there is hereby established a Rhode Island career and technical board of trustees to be known as
19 the Rhode Island board of trustees on career and technical education. Effective November 1,

1 [2014, there is hereby created a not-for-profit organization known as the CTE trust.](#)

2 **16-45.1-2. Career and technical education system.** -- (a) The board ~~of regents of~~
3 [education](#) shall establish and maintain a system of career and technical education that maintains
4 on going connections with higher education and meets the needs of local business and industry,
5 and promotes workforce development.

6 [\(b\) The board of education shall also create, subject to §§ 16-45.1-1 and 16-45.1-2\(a\), a](#)
7 [career and technical board of trustees which shall be responsible for the implementation of a](#)
8 [comprehensive and coordinated career and technical system with the state of Rhode Island.](#)

9 SECTION 2. Sections 16-53-1, 16-53-2, 16-53-4, 16-53-5, 16-53-6, and 16-53-7 of the
10 General Laws in Chapter 16-53 entitled "Rhode Island State Advisory Council for Technical
11 Vocational Education" are hereby amended to read as follows:

12 **16-53-1. ~~Council established.~~ Board established.** -- (a) ~~There~~ [Effective January 30,](#)
13 [2015, there is hereby](#) established a permanent ~~committee to be known as the Rhode Island state~~
14 ~~advisory council on vocational education, hereinafter referred to as the council.~~ [Rhode Island](#)
15 [board of trustees on career and technical education hereinafter referred to as the "board of](#)
16 [trustees."](#)

17 [\(b\) Effective January 30, 2015, all powers, rights, obligations, and duties of the Rhode](#)
18 [Island state advisory council on vocational education shall be transferred to the Rhode Island](#)
19 [board of trustees on career and technical education.](#)

20 **16-53-2. ~~Composition of council.~~ ~~Composition of board of trustees.~~** -- (a) The
21 ~~council~~ [board of trustees](#) shall be composed of thirteen (13) members appointed by the governor
22 in staggered terms; all the members shall serve until their successors are appointed and qualified,
23 [except as otherwise provided for in subsection \(b\) of this section.](#) In the month of March the
24 governor shall appoint members to succeed the members whose term will then next expire for a
25 term of three (3) years commencing on the first day of July then next following and until the
26 successor is named and qualified. A member shall be eligible to succeed himself or herself. A
27 vacancy other than by expiration shall be filled in the same manner as an original appointment but
28 only for the unexpired portion of the term.

29 (b) The ~~membership of the council shall consist of:~~ [thirteen \(13\) members of the board of](#)
30 [trustees shall be limited to nine \(9\) consecutive years of service and shall consist of:](#)

31 (1) Seven (7) individuals who are representative of the private [employment](#) sector in the
32 [following manner:](#) ~~state who shall constitute a majority of the membership:~~

33 ~~(i) Five (5) of whom shall be representative of business, industry, and agriculture~~
34 ~~including:~~

- 1 ~~(A) One member who is representative of small business concerns; and~~
- 2 ~~(B) One member who is a private sector member of the state job training coordinating~~
- 3 ~~council (established pursuant to section 122 of the Job Training Partnership Act, 29 U.S.C section~~
- 4 ~~1532); and~~
- 5 ~~(ii) Two (2) of whom shall be representatives of labor organizations;~~
- 6 (i) Two (2) members who are representatives of general business concerns;
- 7 (ii) One member who is a representative of small business concerns;
- 8 (iii) One member who is a private sector member of the governor's workforce board or
- 9 the Rhode Island workforce investment board;
- 10 (iv) One member who is a representative of the CTE trust established pursuant to this
- 11 chapter;
- 12 (v) One member who is a representative of labor organizations; and
- 13 (vi) One member from a trade association representing employers in the state.
- 14 (2) ~~Six (6)~~ Five (5) individuals who are representative of secondary and postsecondary
- 15 ~~vocational~~ educational institutions including: ~~(equitably distributed among those institutions),~~
- 16 ~~career guidance and counseling organizations within the state, individuals who have special~~
- 17 ~~knowledge and qualifications with respect to the special educational and career development~~
- 18 ~~needs of special populations (including women, the disadvantaged, individuals with disabilities,~~
- 19 ~~individuals with limited English proficiency, and minorities) and of whom one member shall be~~
- 20 ~~representative of special education.~~
- 21 (i) One member who is a representative of the Rhode Island association of school
- 22 superintendents;
- 23 (ii) One member who is a representative or the director of career and technical education
- 24 programs and/or facilities;
- 25 (iii) The commissioner of elementary and secondary education or his/her designee;
- 26 (iv) The commissioner of higher education or his/her designee; and
- 27 (v) One member who is a representative of adult education and skills training.
- 28 (3) The secretary of commerce or his/her designee shall be the thirteenth (13th) member
- 29 and shall serve in an ex officio capacity.
- 30 (c) In selecting individuals to serve on the state ~~council;~~ board, due consideration shall
- 31 be given to the appointment of individuals who serve on a private industry council under the Job
- 32 Training Partnership Act (established pursuant to 29 U.S.C. section 1512), or on ~~state~~ councils
- 33 established under other related federal acts.
- 34 (d) Members of the ~~council~~ board of trustees may not represent more than one of the

1 above specified categories; and there shall be appropriate representation of both sexes, racial, and
2 ethnic minorities, and the various geographic regions of the state.

3 (e) The state shall certify the establishment and membership of the state ~~council~~ [board of](#)
4 [trustees](#) at least ninety (90) days prior to the beginning of each planning period described in
5 section 113(a)(1) of United States Public Law 98-524, 20 U.S.C. section 2323(a)(1).

6 **16-53-4. Qualifications of members.** -- Each appointed member of the ~~council~~, [board of](#)
7 [trustees](#), before entering upon his or her duties, shall take an oath to administer the duties of his or
8 her office faithfully and impartially, and the oath shall be filed in the office of the secretary of
9 state.

10 **16-53-5. Officers of the council.** -- **Officers of the board of trustees.** -- The officers of
11 the ~~council~~ [board of trustees](#) shall be a chairperson who shall be a representative of the private
12 sector and vice chairperson elected from the membership. Officers shall be elected annually by a
13 majority vote of the ~~council~~ [board of trustees'](#) members; a majority of the appointed members
14 shall constitute a quorum; the ~~council~~ [board](#) is authorized to obtain or to contract for any services
15 that may be necessary to enable it to carry out its duties. A majority vote of those present shall be
16 required for action.

17 **16-53-6. Expenses of members.** -- The members of the ~~council~~ [board of trustees](#) shall
18 serve without compensation, but shall be reimbursed for their expenses necessarily incurred in the
19 performance of their duties in accordance with state law, regulations, and practices.

20 **16-53-7. Gifts, grants, or donations.** -- The ~~council~~ [board of trustees](#) is authorized to
21 receive any gifts, grants, or donations made for any of the purposes of its program, and to
22 disburse and administer the gifts, grants, or donations in accordance with the terms of it.

23 SECTION 3. Section 16-53-4 of the General Laws in Chapter 16-53 entitled "Rhode
24 Island State Advisory Council for Technical Vocational Education" is hereby amended to read as
25 follows:

26 **16-53-3. Functions and responsibilities.** -- The ~~council~~ [board of trustees](#) shall:

27 (1) ~~Meet with the board of regents for elementary and secondary education or its~~
28 ~~representatives during the planning year to advise on the development of the state plan;~~ [Advise](#)
29 [the commissioner of elementary and secondary education and the board of education on the](#)
30 [development of a biannual state plan for career and technical education;](#)

31 (2) Advise the ~~board of regents~~ [commissioner of elementary and secondary education so](#)
32 [that he/she may](#) and make reports to the governor, the business community, and general public of
33 the state, concerning:

34 (i) Policies the state should pursue to strengthen ~~vocational~~ [career and technical](#)

1 education (with particular attention to programs for individuals with disabilities); and

2 (ii) Initiatives and methods the private sector could undertake to assist in the
3 modernization of ~~vocational~~ career and technical education programs.

4 (3) Analyze and report on the distribution of spending for ~~vocational~~ career and technical
5 education in the state and on the availability of ~~vocational~~ career and technical education
6 activities and services within the state;

7 (4) Furnish consultation to the commissioner of elementary and secondary education and
8 the board of education of regents on the ~~establishment of~~ evaluation criteria and processes for
9 ~~vocational~~ career and technical education programs within the state;

10 (5) Submit recommendations to the board of ~~regents~~ education on the conduct of
11 ~~vocational~~ career and technical education programs conducted in the state which emphasize the
12 use of business concerns and labor organizations;

13 (6) ~~Assess~~ Provide advice and consent on the policy principles and goals that govern the
14 distribution of financial assistance furnished under this chapter, particularly with the analysis of
15 the distribution of financial assistance between secondary ~~vocational~~ career and technical
16 education programs and postsecondary ~~vocational~~ career and technical education programs;

17 (7) Recommend procedures to the board of ~~regents~~ education to ensure and enhance the
18 participation of the public in the provision of ~~vocational~~ career and technical education at the
19 local level within the state, particularly the participation of local employers and local labor
20 organizations;

21 (8) Report to the board of ~~regents~~ education on the extent to which the individuals
22 described in former section 201(b) of United States Public Law 98-524, 20 U.S.C. section
23 2331(b), are provided with equal access to quality ~~vocational~~ career and technical education
24 programs;

25 (9) (i) ~~Evaluate~~ Furnish consultation to the commissioner of elementary and secondary
26 education to evaluate at least once every two (2) years the ~~vocational~~ career and technical
27 education program delivery systems assisted under this chapter, and under the Job Training
28 Partnership Act, 29 U.S.C. section 1501 et seq., in terms of their adequacy and effectiveness in
29 achieving the purposes of each of the two (2) acts, and make recommendations to the state board
30 on the adequacy and effectiveness of the coordination that takes place between ~~vocational~~ career
31 and technical education and the Job Training Partnership Act; and

32 (ii) Advise the governor, the board of ~~regents~~ education, the state job training
33 coordinating council, the United States secretary of education, and the United States secretary of
34 labor of these findings and recommendations; and

1 (10) Comply with all federal statutes, requirements, regulations, and guidelines, and in
2 particular United States Public Law 98-524 and any amendments to it.

3 (11)(i) Take control and management of state-owned and operated career and technical
4 schools, at the request of a local school committee or its equivalent that is serviced by the school,
5 and take control of such other career and technical schools as agreed to by local education
6 districts. The board of trustees is hereby authorized to assume control, management, and
7 ownership of facilities for the express purpose of providing coordinated career and technical
8 educational services. The trustees shall prepare a plan which shall examine and make
9 recommendations over the:

10 (A) Management of the career and technical school;

11 (B) Management of other state owned facilities for the sole purpose of offering career and
12 technical programs; and

13 (C) Method of assuming ownership and management of career and technical facilities
14 within the state that were transferred.

15 (ii) In the event the board of trustees takes control pursuant to this subsection, the board
16 shall act with the same authority as a local school committee.

17 (12) Establish, support, and expand private sector participation programs that enhance
18 career and technical education at the local level within the state, particularly the participation of
19 local employers and local labor organizations in providing funding, equipment, training,
20 apprenticeships, work-study programs and other services.

21 SECTION 4. Chapter 16-53 of the General Laws entitled "Rhode Island State Advisory
22 council for Technical Vocational Education" is hereby amended by adding thereto the following
23 sections:

24 **16-53-7.1. Funding for board of trustees. --** The trustees shall be supported by an initial
25 appropriation from the general assembly to provide for the operation and start-up costs of the
26 trustees, and for any on-going expenses.

27 **16-53-8. Creation of career and technical education trust. --** (a) Rhode Island CTE
28 trust established. – Effective November 1, 2014, there is hereby created a permanent not-for-
29 profit corporation to be known as the Rhode Island CTE trust on career and technical education,
30 hereinafter referred to as the "CTE trust." The CTE trust shall have a distinct legal existence from
31 the state and not constitute a department of the state government, with the politic and corporate
32 powers as are set forth in this chapter.

33 (b) Composition of the CTE trust. (1) The power of the trust shall be vested in nine (9)
34 members. The CTE trust shall be composed of nine (9) members appointed originally by the

1 governor in staggered terms. All the members shall serve until their successors are appointed and
2 qualified. After the original appointments the members of the CTE trust shall have authority to
3 appoint successors to fill terms for seven (7) of the members set forth in subsection (2)(i) of this
4 section.

5 (2) The membership of the CTE trust shall be as follows:

6 (i) Seven (7) individuals who are representative of the private sector in the state who
7 shall constitute a majority of the membership. From among this group, five (5) members shall be
8 representative of business, industry, and agriculture, including but not limited to:

9 (A) At least one representative from the various trades which are performed in the state;
10 and

11 (B) At least one representative from any trade association representing various career and
12 technical education career clusters established by the U.S. Department of Education.

13 (ii) The secretary of commerce for Rhode Island; and

14 (iii) A member of the governor's workforce training board, appointed by the governor.

15 The governor shall make the reappointment to this position.

16 (3) A member shall be eligible to succeed himself or herself.

17 (4) The governor shall make all appointments to the CTE trust on or before November 1,
18 2014.

19 (C) The CTE trust shall coordinate with but shall remain independent from both the
20 Rhode Island department of education and the Rhode Island board of education.

21 **16-53-9. Functions and responsibilities of the career and technical education trust.--**

22 The trust shall:

23 (1) Create partnerships with various employers to provide for internships, apprenticeship
24 programs, voluntary work relationship and other such partnerships which provide for student
25 learning:

26 (2) Provide advisory assistance to the board in the development of programs, curriculum,
27 areas of focus and concentration:

28 (3) Raise funds for the use of the organization, to provide grants and loans to the state
29 board and as other purposes as determined by the private board: and

30 (4) Provide any other assistance to the state board, board of education or to the general
31 assembly.

32 **16-52-10. Debts and obligations. -- Debts and obligations of the CTE trust shall not be**
33 **or constitute a debt of the state, or any department, municipality, or subdivision thereof.**

34 **16-53-11. Gifts, Grants and Donations. -- The trust is authorized to receive any gifts,**

1 [grants, or donations made for any of the purposes of its program, including state and federal](#)
2 [funds, and to disburse and administer the gifts, grants, or donations in accordance with the terms](#)
3 [of it, subject to applicable law.](#)

4 SECTION 5. Section 3 of this act shall take effect on March 30, 2015. The remainder
5 of this act shall take effect upon passage.

=====
LC005689
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION

1 This act would establish a new permanent Rhode Island board of trustees on career and
2 technical education, which would assume and expand upon the duties of the former Rhode Island
3 state advisory council on vocational education. The board may take control over a career and
4 technical high school at the request of a school board serviced by the school. The act would also
5 create the Rhode Island CTE trust on career and technical education to help raise funds for and to
6 promote partnerships to provide for student learning in career and technical education.

7 Section 3 of this act would take effect on March 30, 2015. The remainder of this act
8 would take effect upon passage.

=====
LC005689
=====