AN ACT
RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Representatives Ackerman, Tomasso, Morin, O'Brien, and Abney

Date Introduced: May 29, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Sections 16-97-1 and 16-97-6 of the General Laws in Chapter 16-97 entitled "The Rhode Island Board of Education Act" are hereby amended to read as follows:

(a) Effective January 1, 2013, there is created a board of education which shall be and is constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to be vested with all the powers and duties currently vested in the board of governors for higher education established in chapter 16-59 and the board of regents for elementary and secondary education established in chapter 16-60, be responsible for and shall exercise the purposes, powers, and duties of, this chapter and chapters 59 and 60 of this title. The board is responsible for the coordination of education from pre-k through higher education and shall set goals and policies for the effective coordination of these public education systems.

(b) Upon its organization, the board of education shall be vested with the legal title (in trust for the state) to all property, real and personal, now owned by and/or under the control or in the custody of the board of governors for higher education and the board of regents for elementary and secondary education, for the use of the board of education. The board of education is hereby-designated successor to all powers, rights, duties, and privileges pertaining to the board of regents for elementary and secondary education and the board of governors for higher education.

The board of education shall consist of eleven (11) seventeen (17) public members
appointed by the governor with the advice and consent of the senate, eight (8) of whom shall be designated to serve on the council for elementary and secondary education and eight (8) of whom shall be designated to serve on the council for postsecondary education. The chairperson of the board shall serve as a member of both councils. Four (4) Six (6) of the members initially appointed pursuant to this section shall serve terms of three (3) years; four (4) six (6) members initially appointed pursuant to this section shall serve terms of two (2) years; and, three (3) four (4) members initially appointed pursuant to this section shall serve terms of one year. To the greatest extent possible, the initial staggered terms shall be equitably divided among the councils so as to protect against sudden changes in membership and reversal of policy. Thereafter, all members appointed pursuant to this section shall serve terms of three (3) years. At the expiration of their terms, members shall remain and continue in their official capacity until their successor is appointed and qualified. Members shall not be appointed to more than three (3), successive three-year (3) terms each; provided that the chair of the board shall have no term and shall serve at the pleasure of the governor. Any vacancy among the members of the board shall be filled by appointment of the governor for the remainder of the unexpired term. In the selection and appointment of the board, the governor shall seek persons who best serve the needs of the entire state. No person shall be eligible for appointment to the board after the effective date of this act unless a resident of this state. No board member shall be appointed to serve more than two (2) three (3) year terms. Members of the board shall not be compensated for their service in attending board or council meetings.

(c) The chair of the Governor’s Workforce Board, or designee, and the chair of the Rhode Island Commerce Corporation, or designee, shall serve as non-voting, ex-officio members of the board.

(d) The governor shall select from the appointed members a chairperson and vice chairperson. A quorum shall consist of nine (9) members of the board. A majority vote of those present shall be required for action.

(e) Except as provided by subsection (b) of this section, members of the board shall be removable by the governor for cause only. Removal solely for partisan or personal reasons unrelated to performance, capacity, or fitness for the office shall be unlawful.

(f) The statutory responsibilities of the department of elementary and secondary education, the commissioner of elementary and secondary education, and the commissioner of higher postsecondary education shall remain unchanged. No later than July 1, 2013, the board of education shall submit to the governor and the general assembly its final plan for the permanent administrative structure for higher education. As a requisite element of the administrative
structure for higher education, the board of education shall establish a plan for distributing the assets, responsibilities, powers, authorities, and duties of the office of higher education to the three (3) higher education institutions and appropriate state agencies. Said distribution shall be done in a manner designed to maximize efficiency, provide greater articulation of the respective responsibilities of elementary and secondary and higher education, and ensure that students are prepared to succeed in school, college, careers, and life. The permanent governance structure for higher education shall, at a minimum: (1) Provide clear guidance on statutory, legal, financial and contractual obligations; (2) Establish a policy framework that furthers the goals of this chapter; and (3) Establish appropriate administrative structures, support, policies and procedures.

Effective July 1, 2014, the office of higher education shall be abolished.

(g) The chair of the board of education shall consult with the chairs of the council on elementary and secondary education, the council on postsecondary education, the commissioner of elementary and secondary education, and the commissioner of postsecondary education in developing agendas, goals, policies, and strategic plans for the board.

16-97-6. Reporting requirements. -- The board shall submit periodic reports an annual report to the governor, speaker of the house, senate president, chairs of the house and senate finance committees and their respective fiscal advisors, the chair of the house health, education and welfare committee, and chair of the senate education committee no later than March 1, 2015 and every March 1 thereafter on its progress towards implementation of this chapter. The first report shall be submitted no later than April 1, 2013 and quarterly thereafter until January 1, 2014. It shall submit a report annually thereafter through 2018.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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This act would expand the board of education from eleven (11) to seventeen (17) members, to be appointed by the governor with the advice and consent of the senate, removable only for cause. This act would also clarify that the board of education is responsible for the coordination of all public education systems from pre-K through higher education.

This act would take effect upon passage.