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LC000202

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- COUNCIL ON ELEMENTARY AND SECONDARY  
EDUCATION

Introduced By: Representatives Fogarty, Amore, Tanzi, Shallcross Smith, Ranglin-  
Vassell, McEntee, Messier, and McGaw

Date Introduced: February 26, 2021

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-60-4 of the General Laws in Chapter 16-60 entitled "Council on  
2 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of  
3 Education Act]" is hereby amended to read as follows:

4 **16-60-4. Council on elementary and secondary education -- Powers and duties.**

5 (a) The council on elementary and secondary education shall have in addition to those  
6 enumerated in § 16-60-1, the following powers and duties:

7 (1) To approve a systematic program of information gathering, processing, and analysis  
8 addressed to every aspect of elementary and secondary education in this state especially as that  
9 information relates to current and future educational needs so that current needs may be met with  
10 reasonable promptness and plans formulated to meet future needs as they arise in the most efficient  
11 and economical manner possible;

12 (2) To approve a master plan implementing the broad goals and objectives for elementary  
13 and secondary education in the state that have been established by the board of education. These  
14 goals and objectives shall be expressed in terms of what men and women should know and be able  
15 to do as a result of their educational experience. The council on elementary and secondary education  
16 shall continually evaluate the efforts and results of education in the light of these objectives;

17 (3) To adopt standards and require enforcement and to exercise general supervision over  
18 all elementary and secondary public and nonpublic education in the state as provided in subsection

1 (a)(8) of this section. The council on elementary and secondary education shall not engage in the  
2 operation or administration of any subordinate committee, local school district, school, school  
3 service, or school program, except its own department of elementary and secondary education, and  
4 except as specifically authorized by an act of the general assembly. The adoption and submittal of  
5 the budget and the allocation of appropriations, the acquisition, holding, disposition, and general  
6 management of property shall not be construed to come within the purview of the preceding  
7 prohibition. The council on elementary and secondary education shall communicate with, and seek  
8 the advice of, the commissioner of elementary and secondary education and all those concerned  
9 with and affected by its determinations as a regular procedure in arriving at its conclusions and in  
10 setting its policy;

11 (4) To allocate and coordinate the various educational functions among the educational  
12 agencies of the state and local school districts and to promote cooperation among them so that  
13 maximum efficiency and economy shall be achieved;

14 (5)(i) To prepare, with the assistance of the commissioner of elementary and secondary  
15 education, and to present annually to the state budget officer, in accordance with § 35-3-4, a total  
16 educational budget for the elementary and secondary sector that shall include, but not be limited  
17 to, the budgets of the department of elementary and secondary education, subordinate boards and  
18 agencies, and state aid to local school districts. Prior to submitting the budget as required by the  
19 budget office instructions and this subsection, the council shall present the budget to the board of  
20 education for review and approval; and

21 (ii) In the preparation of the budget, the council on elementary and secondary education  
22 shall implement the priorities established by the board of education of expenditures for elementary  
23 and secondary education purposes of state revenues and other public resources made available for  
24 the support of public elementary and secondary education among the various education agencies  
25 of the state. Nothing contained in this section shall authorize any individual or group of individuals  
26 to reallocate resources in a manner other than that prescribed in the budget as appropriations by the  
27 general assembly.

28 (6) To maintain a department of elementary and secondary education, to provide for its  
29 staffing and organization, and to appoint a commissioner of elementary and secondary education  
30 pursuant to § 16-60-6 who shall serve at its pleasure. The commissioner of elementary and  
31 secondary education and the department of elementary and secondary education shall have any  
32 duties and responsibilities as defined in §§ 16-60-6 and 16-60-7;

33 (7) To establish other educational agencies or subcommittees necessary or desirable for the  
34 conduct of any or all aspects of elementary and secondary education and to determine all powers,

1 functions, and composition of any agencies or subcommittees and to dissolve them when their  
2 purpose shall have been fulfilled; provided that nothing contained in this subdivision shall be  
3 construed to grant the council the power to establish subcommittees or agencies performing the  
4 duties and functions of local school committees except as provided in § 16-1-10;

5 (8) To exercise the authority previously vested in the board of regents for education with  
6 relation to secondary nonpublic educational institutions within the state under the terms of chapter  
7 40 of this title and other laws affecting nonpublic education in the state, and to cause the department  
8 of elementary and secondary education to administer the provisions of that section;

9 (9) To exercise all the functions, powers and duties that previously were vested in the board  
10 of regents for education, under the provisions of former § 16-49-4(9), including but not limited to  
11 the following specific functions:

12 (i) To approve the basic subjects and courses of study to be taught and instructional  
13 standards required to be maintained in the public elementary and secondary schools of the state;

14 (ii) To adopt standards and qualifications for the certification of teachers and to provide for  
15 the issuance of certificates, and to establish fees for the certification of teachers. The fees collected  
16 for the certification of teachers, along with various education licensing and testing fees, shall be  
17 deposited by the council on elementary and secondary education as general revenues. The funds  
18 appropriated by the general assembly shall be utilized by the department of elementary and  
19 secondary education to establish and support programs that enhance the quality and diversity of the  
20 teaching profession. The commissioner of elementary and secondary education shall regularly  
21 make recommendations to the board about specific programs and projects to be supported by those  
22 funds. The commissioner shall oversee the funds, assess the effectiveness of its programs and  
23 projects, and make recommendations about the general use and operation of the funds to the board;

24 (iii) To be responsible for the distribution of state school funds;

25 (iv) To determine the necessity of school construction and to approve standards for design  
26 and construction of school buildings throughout the state;

27 (v) To set standards for school libraries and school library services;

28 (vi) To make recommendations relative to transportation of pupils to school, school bus  
29 routes, time schedules, and other matters relating to pupil transportation;

30 (vii) To enforce the provisions of all laws relating to elementary and secondary education;

31 (viii) To decide and determine appeals from decisions of the commissioner;

32 (ix) To prescribe forms for the use of local school committees and local officers when  
33 reporting to the department of elementary and secondary education;

34 (x) To adopt and require standard accounting procedures for local school districts, except

1 as provided for in subdivision (3) of § 16-24-2; ~~and~~

2 (xi) To adopt and require standard uniform operating and capital budgeting procedures for  
3 local school districts;

4 (xii) To adopt standards for the intrastate transportation of students across municipal  
5 boundaries and maximizing the efficiencies of time and cost of each sending district; and

6 (xiii) To utilize already existing and available state or quasi-state programs necessary to  
7 achieve its goals.

8 (10) To establish rules for the approval and accrediting of elementary and secondary  
9 schools;

10 (11) To recommend to the general assembly changes in the size and number of the school  
11 districts within the state; and to make any further and other recommendations to the general  
12 assembly as the council on elementary and secondary education may determine to be necessary or  
13 desirable, including, but not limited to, proposals for incentives for the coordination of services and  
14 facilities of certain school districts and the feasibility of granting taxing authority to local school  
15 committees upon their request, and the impact upon the quality of education within that particular  
16 community by granting the request. In carrying out this duty, the council on elementary and  
17 secondary education shall periodically issue reports in school district organizations for selected  
18 regions and school districts;

19 (12) To exercise all other powers with relation to the field of elementary and secondary  
20 education within this state not specifically granted to any other department, board, or agency, and  
21 not incompatible with law, which the council on elementary and secondary education may deem  
22 advisable;

23 (13) To exercise the authority previously vested in the board of regents for education with  
24 relation to adult education as defined in § 16-58-2 [repealed] and to establish definitive goals for  
25 and operate a comprehensive delivery system for adult education programs and services, including  
26 the counseling and testing of persons interested in obtaining high school equivalency diplomas, the  
27 issuance of diplomas, and the maintenance of a permanent record of applications, tests, and  
28 equivalency diplomas;

29 (14) To promote maximum efficiency and economy in the delivery of elementary and  
30 secondary educational services in the state;

31 (15) To approve a training program for school committee members to enhance their  
32 individual skills and their effectiveness as a corporate body. The training program should include,  
33 but not be limited to, the following roles and responsibilities of school committees: strategic  
34 planning, human and community relations, and school finance and budgeting;

1           (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an  
2 annual report to the governor, the speaker of the house of representatives, and the president of the  
3 senate of its activities during that fiscal year. The report shall provide: an operating statement  
4 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or regulations  
5 promulgated, studies conducted, policies and plans developed, approved, or modified, and  
6 programs administered or initiated; a consolidated financial statement of all funds received and  
7 expended including the source of the funds, a listing of any staff supported by these funds, and a  
8 summary of any clerical, administrative or technical support received; a summary of performance  
9 during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis  
10 of hearings, complaints, suspensions, or other legal matters related to the authority of the council;  
11 a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations  
12 for improvements. The director of the department of administration shall be responsible for the  
13 enforcement of the provisions of this subsection;

14           (17) To prepare with the assistance of the commissioner a multi-year plan of priority  
15 educational goals and objectives. This plan should recommend policy objectives, implementation  
16 strategies, and a timetable for major policy initiatives;

17           (18) Each year the governor shall by writing notify the council on elementary and  
18 secondary education concerning broad economic, cultural, and social needs that the education  
19 system needs to consider which the council shall address in developing educational plans and  
20 programs;

21           (19) Appoint a standing committee that will develop a schedule to systematically review  
22 all council policies over a three-year (3) period;

23           (20) To prepare, with the assistance of the commissioner, a statement of regulatory policy.  
24 This policy should set forth the goals and objectives of state regulations which are expressed in  
25 terms of what educational inputs and outputs the board expects regulations to address;

26           (21)(i) To prepare, with the assistance of the commissioner of elementary and secondary  
27 education, and to present annually to the general assembly by January 1 a report on school  
28 discipline in Rhode Island schools. This report shall include:

- 29           (A) Expulsions by district, including duration and the reason for each action;
- 30           (B) Suspensions by district, including duration and the reason for each action;
- 31           (C) Placements to alternative programs for disciplinary reasons;
- 32           (D) Assaults of teachers, students, and school staff by students;
- 33           (E) Incidents involving possession of weapons on school property. For the purpose of this  
34 section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-42;

1 (F) Incidents of the sale of controlled substances by students;  
2 (G) Incidents of the possession with the intent to sell controlled substances by students;  
3 (H) Additional demographic information including, but not limited to, the ethnic and racial  
4 classifications, age, and gender, as prescribed by the commissioner, of each of the students involved  
5 in the incidents, events or actions described in subparagraphs (A) through (G) of this subdivision;  
6 and

7 (I) A description of the education program provided to each student suspended for over ten  
8 (10) consecutive school days in a school year.

9 (ii) All school superintendents shall supply the necessary information on forms established  
10 by the commissioner of elementary and secondary education to the council on elementary and  
11 secondary education to assist in the preparation of the council's report on school discipline.

12 (22) To prepare and promulgate a uniform statewide school reporting system which would  
13 provide information including, but not limited to, the following:

- 14 (i) Student and teacher attendance rates;
- 15 (ii) Standardized test scores;
- 16 (iii) Demographic profiles;
- 17 (iv) Results of polls of students, parents, and teachers;
- 18 (v) Descriptions of goals, initiatives, and achievements;
- 19 (vi) Best teaching practices;
- 20 (vii) Alternative student assessments;
- 21 (viii) Special programs; and
- 22 (ix) Number of student suspensions and teacher grievances and the amount of parental  
23 involvement.

24 (23) [Deleted by P.L. 2014, ch. 145, art. 20, § 7].

25 (b) The council shall identify the benefit to students regarding the action that is taken in  
26 executing its duties.

27 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 -- COUNCIL ON ELEMENTARY AND SECONDARY  
EDUCATION

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1           This act would require the council on elementary and secondary education to adopt  
2 standards which take into consideration the time and cost of transporting students across municipal  
3 boundaries and to promote maximum efficiency in other programs that impact the education of  
4 students.

5           This act would take effect upon passage.

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