

2014 -- H 8263 SUBSTITUTE A

LC005650/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

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:

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

3 **16-97-1. Rhode Island board of education established.** -- (a) Effective January 1, 2013,  
4 there is created a board of education ~~which~~ that shall ~~be and is constituted a public corporation,~~  
5 ~~empowered to sue and be sued in its own name, to have a corporate seal, and to be vested with all~~  
6 ~~the powers and duties currently vested in the board of governors for higher education established~~  
7 ~~in chapter 16-59 and the board of regents for elementary and secondary education established in~~  
8 ~~chapter 16-60.~~ be responsible for and shall exercise the purposes, powers, and duties of, this  
9 chapter and chapters 59 and 60 of this title. The board is responsible for the coordination of  
10 education from pre-k through higher education and shall set goals and policies for the effective  
11 coordination of these public education systems.

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

19 ~~(e)~~(b) The board of education shall consist of ~~eleven (11)~~ seventeen (17) public members

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

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

24 (d) The governor shall select from the appointed members a chairperson and vice  
25 chairperson. A quorum shall consist of ~~six (6)~~ nine (9) members of the board. A majority vote of  
26 those present shall be required for action.

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

30 ~~(e)(f)~~ (f) The statutory responsibilities of the department of elementary and secondary  
31 education, the commissioner of elementary and secondary education, and the commissioner of  
32 higher postsecondary education shall remain unchanged. ~~No later than July 1, 2013, the board of~~  
33 ~~education shall submit to the governor and the general assembly its final plan for the permanent~~  
34 ~~administrative structure for higher education. As a requisite element of the administrative~~

1 ~~structure for higher education, the board of education shall establish a plan for distributing the~~  
2 ~~assets, responsibilities, powers, authorities, and duties of the office of higher education to the~~  
3 ~~three (3) higher education institutions and appropriate state agencies. Said distribution shall be~~  
4 ~~done in a manner designed to maximize efficiency, provide greater articulation of the respective~~  
5 ~~responsibilities of elementary and secondary and higher education, and ensure that students are~~  
6 ~~prepared to succeed in school, college, careers, and life. The permanent governance structure for~~  
7 ~~higher education shall, at a minimum: (1) Provide clear guidance on statutory, legal, financial and~~  
8 ~~contractual obligations; (2) Establish a policy framework that furthers the goals of this chapter;~~  
9 ~~and (3) Establish appropriate administrative structures, support, policies and procedures.~~  
10 ~~Effective July 1, 2014, the office of higher education shall be abolished.~~

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

15 **16-97-6. Reporting requirements.** -- The board shall submit ~~periodic reports~~ an annual  
16 report to the governor, speaker of the house, senate president, chairs of the house and senate  
17 finance committees and their respective fiscal advisors, the chair of the house health, education  
18 and welfare committee, and chair of the senate education committee no later than March 1, 2015  
19 and every March 1 thereafter ~~on its progress towards implementation of this chapter. The first~~  
20 ~~report shall be submitted no later than April 1, 2013 and quarterly thereafter until January 1,~~  
21 ~~2014. It shall submit a report annually thereafter through 2018.~~

22 SECTION 2. 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 expand the board of education from eleven (11) to seventeen (17)  
2 members, to be appointed by the governor with the advice and consent of the senate, removable  
3 only for cause. This act would also clarify that the board of education is responsible for the  
4 coordination of all public education systems from pre-K through higher education.

5           This act would take effect upon passage.

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