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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO EDUCATION -- BOARD OF EDUCATION ORGANIZATIONAL
STRUCTURE

Introduced By: Senators Gallo, DaPonte, DiPalma, and Sheehan

Date Introduced: February 04, 2014

Referred To: Senate Education

(Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Board of Education Organizational Structure – Legislative findings. The
2 general assembly hereby finds and declares:

3 (a) Pursuant to Rhode Island Public Law 2012, Chapter 241, Article 4, Section 3 enacted
4 by the General Assembly, the Rhode Island Board of Education was established, "...to modernize
5 the manner in which education shall be governed for future generations"; and

6 (b) The Rhode Island Board of Education was charged by the General Assembly to
7 "...establish a plan for distributing the assets, responsibilities, powers, authorities, and duties of
8 the office of higher education to the three (3) higher education institutions and appropriate state
9 agencies"; and

10 (c) The Board was responsible for submitting a permanent governance structure to the
11 General Assembly for consideration that at a minimum would: "...(1) Provide clear guidance on
12 statutory, legal, financial and contractual obligations; (2) Establish a policy framework that
13 furtheres the goals of this chapter; and (3) Establish appropriate administrative structures, support,
14 policies and procedures."; and

15 (d) The Rhode Island Board of Education recommends that the General Assembly enact a
16 new governance structure to effectuate the permanent establishment of the Board of Education in
17 order to achieve the goals articulated by the preamble of Rhode Island Public Law 2012, Chapter
18 241, Article 4, Section 3.

1 SECTION 2. Chapter 16-32 of the General Laws entitled "University of Rhode Island" is
2 hereby amended by adding thereto the following section:

3 **16-32-2.1. Additional powers of the President of the University.--** In addition to any
4 powers granted to the president of the University of Rhode Island by law or regulation, the
5 president shall have the following additional powers and duties:

6 (a) To create, and consolidate departments, divisions, programs, and courses of study
7 within the university with the assistance of the commissioner of postsecondary education within
8 the approved role and scope adopted by the council on postsecondary education pursuant to § 16-
9 59-4. Any new or proposed eliminations of departments, divisions, programs or courses of study
10 that are outside the role and scope approved by the council shall require the review and approval
11 of the council on postsecondary education.

12 (b) To adopt a budget for the university and submit it to the council on postsecondary
13 education for approval.

14 (c) To be responsible for the general management of property of the university.

15 (d) To recommend to the council on postsecondary education, after consultation with the
16 commissioner of postsecondary education, tables of organization for the university.

17 (e) To submit to the office of postsecondary commissioner and to compile and analyze
18 the following information for presentation to the council on postsecondary education and the
19 board of education annually by May 1 the following:

20 (1) A detailed departmental breakdown of all faculty members employed at the university
21 by rank (including all professors, associate professors, assistant professors, lecturers, and
22 instructors) and tenure (tenured and non-tenured, and other) and by race (African American,
23 Hispanic, Native American, and Asian) and gender.

24 (2) A detailed report on current student enrollments for each class at the university by
25 race and gender, by academic department, and by outreach program (e.g. talent development),
26 guaranteed admissions program, and the current levels of funding and staff support for each of
27 these programs.

28 (3) A report on the current status of the African and Afro-American studies programs at
29 the university and a five (5) year budgetary history of the programs along with projections for
30 budgetary support for the next two (2) years.

31 (4) A plan for recruitment of African American and Hispanic faculty into tenure track
32 positions at each the university with specific reference to and planned involvement with the New
33 England higher education's minority faculty recruitment and development plan.

34 (5) Certified copies of the report shall be furnished to the council of postsecondary

1 [education and the board of education.](#)

2 SECTION 3. Chapter 16-33 of the General Laws entitled "Rhode Island College" is
3 hereby amended by adding thereto the following section:

4 **16-33-2.1. Additional powers of the President of the College. --** [In addition to any](#)
5 [powers granted to the president of Rhode Island College by law or regulation, the president shall](#)
6 [have the following additional powers and duties:](#)

7 [\(a\) To create and consolidate departments, divisions, programs, and courses of study](#)
8 [within the college with the assistance of the commissioner of postsecondary education within the](#)
9 [approved role and scope adopted by the council on postsecondary education pursuant to § 16-59-](#)
10 [4. Any new or proposed eliminations of departments, divisions, programs or courses of study that](#)
11 [are outside the role and scope approved by the council shall require the review and approval of](#)
12 [the council on postsecondary education.](#)

13 [\(b\) To adopt a budget for the college and submit it to the council for postsecondary](#)
14 [education for approval.](#)

15 [\(c\) To be responsible for the general management of property of the college.](#)

16 [\(d\) To recommend to the council on postsecondary education, after consultation with the](#)
17 [commissioner of postsecondary, education tables of organization for the College.](#)

18 [\(e\) To submit to the office of postsecondary commissioner and to compile and analyze](#)
19 [the following information for presentation to the council for postsecondary education and the](#)
20 [board of education annually by May 1 the following:](#)

21 [\(1\) A detailed departmental breakdown of all faculty members employed at the college](#)
22 [by rank \(including all professors, associate professors, assistant professors, lecturers, and](#)
23 [instructors\) and tenure \(tenured and non-tenured, and other\) and by race \(African American,](#)
24 [Hispanic, Native American, and Asian\) and gender.](#)

25 [\(2\) A detailed report on current student enrollments for each class at the college by race](#)
26 [and gender, by academic department, and by outreach program \(e.g. talent development\),](#)
27 [guaranteed admissions program, and the current levels of funding and staff support for each of](#)
28 [these programs.](#)

29 [\(3\) A report on the current status of the African and Afro-American studies programs at](#)
30 [the college and a five \(5\) year budgetary history of the programs along with projections for](#)
31 [budgetary support for the next two \(2\) years.](#)

32 [\(4\) A plan for recruitment of African American and Hispanic faculty into tenure track](#)
33 [positions at each the college with specific reference to and planned involvement with the New](#)
34 [England higher education's minority faculty recruitment and development plan.](#)

1 (5) Certified copies of the report shall be furnished to the council of postsecondary
2 education and the board of education.

3 SECTION 4. Chapter 16-33.1 of the General Laws entitled "Community College of
4 Rhode Island" is hereby amended by adding thereto the following section:

5 **16-33.1-2.1 Additional powers of the President of the College. -- In addition to any**
6 powers granted to the president of the Community College of Rhode Island by law or regulation,
7 the president shall have the following additional powers and duties:

8 (a) To create and consolidate departments, divisions, programs, and courses of study
9 within the college with the assistance of the commissioner of postsecondary education within the
10 approved role and scope adopted by the council on postsecondary education pursuant to § 16-59-
11 4. Any new or proposed eliminations of departments, divisions, programs or courses of study that
12 are outside the role and scope approved by the council shall require the review and approval of
13 the council on postsecondary education.

14 (b) To adopt a budget for the college and submit it to the council on postsecondary
15 education for approval.

16 (c) To be responsible for the general management of property of the college.

17 (d) To recommend to the council on postsecondary education, after consultation with the
18 commissioner of postsecondary education, tables of organization for the college.

19 (e) To submit to the office of postsecondary commissioner and to compile and analyze
20 the following information for presentation to the council on postsecondary education and the
21 board of education annually by May 1 the following:

22 (1) A detailed departmental breakdown of all faculty members employed at the college
23 by rank (including all professors, associate professors, assistant professors, lecturers, and
24 instructors) and tenure (tenured and non-tenured, and other) and by race (African American,
25 Hispanic, Native American, and Asian) and gender.

26 (2) A detailed report on current student enrollments for each class at the college by race
27 and gender, by academic department, and by outreach program (e.g. talent development),
28 guaranteed admissions program, and the current levels of funding and staff support for each of
29 these programs.

30 (3) A report on the current status of the African and Afro-American studies programs at
31 the college and a five (5) year budgetary history of the programs along with projections for
32 budgetary support for the next two (2) years.

33 (4) A plan for recruitment of African American and Hispanic faculty into tenure track
34 positions at each the college with specific reference to and planned involvement with the New

1 [England higher education's minority faculty recruitment and development plan.](#)

2 [\(5\) Certified copies of the report shall be furnished to the council on postsecondary](#)
3 [education and the board of education.](#)

4 SECTION 5. Sections 16-59-1, 16-59-2, 16-59-4, 16-59-6, 16-59-7.1, 16-59-9 and 16-59-
5 22 of the General Laws in Chapter 16-59 entitled "Board of Governors for Higher Education" are
6 hereby amended to read as follows:

7 ~~**16-59-1. Board of governors for higher education established**~~ **Council on**
8 **Postsecondary Education established.** -- (a) There is created a ~~board of governors for higher~~
9 ~~council on postsecondary~~ education, sometimes referred to as the ~~"board" or the "board of~~
10 ~~governors"~~ "council", which shall be and is constituted a public corporation, empowered to sue
11 and be sued in its own name, ~~to have a corporate seal, and to~~ exercise all the powers, in addition
12 to those specifically enumerated in this chapter, usually appertaining to public corporations
13 entrusted with control of postsecondary educational institutions and functions. ~~The board shall be~~
14 ~~protected from sudden changes in membership and reversal of policy by having staggered terms~~
15 ~~for its public members.~~ Upon its organization the ~~board of governors~~ council shall be invested
16 with the legal title (in trust for the state) to all property, real and personal, now owned by and/or
17 under the control or in custody of the board of regents for education for the use of the University
18 of Rhode Island, Rhode Island College, Community College of Rhode Island and the system of
19 community colleges of Rhode Island including all departments, divisions, and branches of these.

20 (b) The ~~board of governors~~ council is empowered to hold and operate the property in trust
21 for the state; to acquire, hold, and dispose of the property and other like property as deemed
22 necessary for the execution of its corporate purposes. The ~~board of governors~~ council is made
23 successor to all powers, rights, duties, and privileges formerly belonging to the board of regents
24 for education pertaining to postsecondary education and the board of governors for higher
25 education.

26 ~~(c) The board of governors shall consist of thirteen (13) members as follows: twelve (12)~~
27 ~~public members, appointed pursuant to the terms of § 16-59-2, one of whom shall be a full time~~
28 ~~student in good standing at the University of Rhode Island, Rhode Island College or the~~
29 ~~Community College of Rhode Island, and a member of the board of regents for elementary and~~
30 ~~secondary education designated by the governor.~~

31 ~~(d) The public members of the board of governors shall not be compensated for their~~
32 ~~service in attending meetings or duly organized subcommittee meetings of the board.~~

33 ~~(e) The governor shall designate one of the public members as chairperson of the board~~
34 ~~of governors. The board may elect from among its members such other officers as it deems~~

1 ~~necessary. Seven (7) voting members of the board shall constitute a quorum and a majority vote~~
2 ~~of those present and voting shall be required for action.~~

3 (c) The council shall be the employer of record for higher education and the office of
4 postsecondary education. It shall retain all authority formerly vested in the board of education
5 regarding the employment of faculty and staff at the public higher education institutions.

6 **16-59-2. Appointment of members of the board of governors for higher education**

7 **Appointment of members of the council on postsecondary education.** -- (a) The governor
8 ~~shall, with the advice and consent of the senate establish the board~~ establish the council for
9 postsecondary education by appointing ~~eleven (11)~~ seven (7) members of the board of education
10 established pursuant to chapter 16-97 to serve ~~in staggered terms.~~ as members of the council, until
11 the expiration of their term as a member of the board of education and their successor is
12 appointed. In addition the governor shall appoint one student member who shall be a full time
13 student in good standing at the University of Rhode Island, Rhode Island College or the
14 Community College of Rhode Island and who shall serve in a non-voting, ex officio capacity for
15 a single two (2) year term and shall rotate among the three (3) public institutions. The governor
16 shall appoint the chair of the council on an annual basis from among the seven (7) voting council
17 members. ~~The appointments shall be made for terms of three (3) years commencing on February~~
18 ~~1 in the year of the appointment and ending on January 31 in the third (3rd) year thereafter,~~
19 ~~except in the case of the student member whose appointment shall be for a period of two (2)~~
20 ~~years.~~

21 ~~(b) At the expiration of their terms members shall remain and continue in their official~~
22 ~~capacity until a new member is appointed and confirmed. Any vacancy among the public~~
23 ~~members of the board shall be filled by appointment of the governor for the remainder of the~~
24 ~~unexpired term. In the selection and appointment of members of the board, the governor shall~~
25 ~~seek persons who best serve the entire needs of the state. Public members shall not be appointed~~
26 ~~for more than three (3) successive three (3) year terms each; provided, however, that this~~
27 ~~limitation shall not apply to that person designated as chairperson by the governor who may be a~~
28 ~~member so long as he or she shall serve as chairperson. Student members shall be appointed by~~
29 ~~the governor for a single two (2) year term and shall rotate among the three (3) public institutions.~~

30 ~~(c) No person shall be eligible for appointment to the board after the effective date of this~~
31 ~~act [March 24, 2006] unless he or she is a resident of this state.~~

32 ~~(d) Members of the board shall be removable by the governor pursuant to the provisions~~
33 ~~of § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal~~
34 ~~reasons unrelated to capacity or fitness for the office shall be unlawful.~~

1 ~~16-59-4. Powers and duties of board~~ Powers and duties of the council on
2 postsecondary education. -- (a) The ~~board of governors for higher~~ council on postsecondary
3 education shall have, in addition to those enumerated in § 16-59-1, the following powers and
4 duties:

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

10 (2) To develop and approve a ~~master strategic~~ plan defining implementing broad goals
11 and objectives for higher education in the state as established by the board of education, including
12 a comprehensive capital development program. ~~These goals and objectives shall be expressed in~~
13 ~~terms of what men and women should know and be able to do as a result of their educational~~
14 ~~experience. The board of governors shall continuously evaluate the efforts and results of~~
15 ~~education in the light of these objectives.~~

16 (3) To formulate broad policy to implement the goals and objectives established and
17 adopted by the board of ~~governors~~ education, to adopt standards and require enforcement and to
18 exercise general supervision over all higher public education in the state and over independent
19 higher education in the state as provided in subdivision (8) of this section. The board of ~~governors~~
20 education and the council shall not engage in the operation or administration of any subordinate
21 committee, university, junior college, or community college, except its own office of ~~higher~~
22 postsecondary education and except as specifically authorized by an act of the general assembly;
23 provided, the presidents of each institution of higher learning shall be the chief administrative and
24 executive officers of that institution; and provided that nothing contained in this section shall
25 prohibit their direct access to or interfere with the relationship between the presidents and the
26 board of ~~governors~~ education and the council. ~~The adoption and submittal of the budget, the~~
27 ~~approval of tables of organization, the creation, abolishment, and consolidation of departments,~~
28 ~~divisions, programs, and courses of study, and the acquisition, holding, disposition, and general~~
29 ~~management of property shall not be construed to come within the purview of the preceding~~
30 ~~prohibition. The board shall communicate with and seek the advice of the commissioner of higher~~
31 ~~education and all those concerned with and affected by its determinations as a regular procedure~~
32 ~~in arriving at its conclusions and in setting its policy.~~

33 (4) To communicate with and seek the advice of the commissioner of postsecondary
34 education, the presidents of the public higher education institutions and all those concerned with

1 and affected by its determinations as a regular procedure in arriving at its conclusions and in
2 setting its policy.

3 ~~(4)~~(5) To prepare and maintain a five (5) year funding plan for higher education that
4 implements the strategic financing recommendations of the board of education; to prepare with
5 the assistance of the commissioner of higher postsecondary education and to present annually to
6 the state budget officer in accordance with § 35-3-4 a state higher educational budget, which shall
7 include, but not be limited to, the budget of the office of higher postsecondary education and the
8 budget of the state colleges. In the preparation of the budget, the board council shall ~~determine~~
9 implement the priorities established by the board of education of expenditures for public higher
10 education purposes of state revenues and other public resources made available for the support of
11 higher public education. Prior to submitting the budget to the state budget officer as required by
12 the budget office instructions and this subsection, the council shall present the budget to the board
13 of education for its review and consent. Nothing contained in this subdivision shall authorize the
14 ~~board council~~ to alter the allocation of grants or aid otherwise provided by law.

15 ~~(5)~~(6) To maintain an office of ~~higher education~~ postsecondary commissioner; to provide
16 for its staffing and organization; and to ~~appoint~~ manage and oversee a commissioner of ~~higher~~
17 postsecondary education pursuant to duties and responsibilities defined in § 16-59-6 and § 16-59-
18 7, who shall serve at its pleasure. The commissioner of higher postsecondary education and the
19 office of ~~higher education~~ postsecondary commissioner shall have the duties and responsibilities
20 as defined in §§ 16-59-6 and 16-59-7.

21 ~~(6)~~(7) To appoint and dismiss presidents of the public institutions of higher learning with
22 the assistance of the commissioner of higher postsecondary education, and to establish procedures
23 for this, and with the assistance of the commissioner to approve or disapprove vice presidents of
24 the public institutions of higher learning appointed by the respective presidents of the public
25 institutions of higher learning.

26 ~~(7)~~(8) To establish other educational agencies or subcommittees necessary or desirable
27 for the conduct of any or all aspects of higher education and to determine all powers, functions,
28 and composition of any agencies or subcommittees and to dissolve them when their purpose shall
29 have been fulfilled.

30 ~~(8)~~(9) To exercise the authority vested in the board of regents for education with relation
31 to independent higher educational institutions within the state under the terms of chapter 40 of
32 this title, and other laws affecting independent higher education in the state.

33 ~~(9)~~(10) To enforce the provisions of all laws relating to higher education, public and
34 independent.

1 ~~(10)~~(11) To be responsible for all the functions, powers, and duties which were vested in
2 the board of regents for education relating to higher education, including but not limited to the
3 following specific functions:

4 (i) To approve the ~~tables of organization~~ role and scope of programs at public institutions
5 of higher learning with the assistance of the commissioner of ~~higher education~~ postsecondary
6 education which shall include, but not be limited to, populations to be served, the type and level
7 of programs and academic fields offered.

8 (ii) To adopt and require standard accounting procedures for the office of ~~higher~~
9 ~~education~~ postsecondary commissioner and all public colleges and universities.

10 ~~(iii) To create, abolish, and consolidate departments, divisions, programs, and courses of~~
11 ~~study within the public colleges and universities with the assistance of the commissioner of~~
12 ~~higher education after consultation with the presidents.~~

13 ~~(iv)~~(iii) To ~~establish~~ approve a clear and definitive mission for each public institution of
14 higher learning with the assistance of the commissioner of ~~higher education.~~ postsecondary
15 education that is consistent with the role and scope of programs at the public institutions.

16 ~~(v)~~(iv) To promote maximum efficiency, economy, and cooperation in the delivery of
17 public higher educational services in the state and cooperation with independent institutions of
18 higher education.

19 ~~(11)~~(12) To incorporate into its own affirmative action reporting process periodic reports
20 monitoring specific faculty and staff searches by the chairperson of the search committee to
21 include the rationale for granting those interviews and the final hiring results. The institutions
22 must empower its affirmative action officer to monitor searches in this manner, to intervene
23 during the search, and, when necessary, to cause a search to cease if affirmative action goals are
24 not being adequately served.

25 ~~(12)~~(13) To incorporate a specific category for accountability on affirmative action goals
26 and implementation as part of the board's annual evaluations and three (3) year reviews for the
27 presidents of each of the public institutions of higher education.

28 ~~(13)~~(14) To make a formal request of the governor that whenever an opportunity arises to
29 make new appointments to the board, that the governor make every effort to increase the number
30 of African Americans, Native Americans, Asians, and Hispanics on the board.

31 ~~(14) Within ninety (90) days after the end of each fiscal year, the board shall submit an~~
32 ~~annual report to the governor, the speaker of the house of representatives, and the president of the~~
33 ~~senate of its activities during that fiscal year. The report shall provide: an operating statement~~
34 ~~summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or~~

1 ~~regulations promulgated, studies conducted, policies and plans developed, approved, or modified,~~
2 ~~and programs administered or initiated; a consolidated financial statement of all funds received~~
3 ~~and expended including the source of the funds, a listing of any staff supported by these funds,~~
4 ~~and a summary of any clerical, administrative or technical support received; a summary of~~
5 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~
6 ~~remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the~~
7 ~~authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and~~
8 ~~findings and recommendations for improvements. The director of the department of~~
9 ~~administration shall be responsible for the enforcement of the provisions of this subsection.~~

10 ~~(15) The board shall conduct a training course for newly appointed and qualified~~
11 ~~members within six (6) months of their qualification. The course shall be developed by the~~
12 ~~chairperson of the board, approved by the board, and conducted by the chairperson of the board.~~
13 ~~The board may approve the use of any board or staff members or other individuals to assist with~~
14 ~~training. The training course shall include instruction in the following areas: the provisions of~~
15 ~~chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of~~
16 ~~administration shall, within ninety (90) days of the effective date of this act [March 24, 2006],~~
17 ~~prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and~~
18 ~~38-2.~~

19 (15) To develop coherent plans for the elimination of unnecessary duplication in public
20 higher education and addressing the future needs of public education within the state in the most
21 efficient and economical manner possible.

22 (16) To delegate to the presidents of each public higher education institution the authority
23 and responsibility for operational and management decisions related to their institutions,
24 consistent with the goals of the statewide strategic plan for postsecondary education; provided,
25 however, that the presidents may be required to provide information or updates to the council
26 regarding any delegated operational or management decisions.

27 **16-59-6. Commissioner of higher education** **Commissioner of postsecondary**
28 **education.** -- The ~~board~~ council on postsecondary education shall appoint a commissioner of
29 ~~higher postsecondary~~ education with the advice and consent of the board of education, who shall
30 serve at the pleasure of the ~~board~~ council, provided that his or her initial engagement by the ~~board~~
31 council shall be for a period of not more than three (3) years. For the purpose of appointing,
32 retaining, or dismissing a commissioner of ~~higher postsecondary~~ education, the governor shall
33 serve as an additional voting member of the ~~board~~ council, and provided that in the case of a tie,
34 the president of the senate shall cast the deciding vote. The position of commissioner shall be in

1 the unclassified service of the state and he or she shall serve as the chief executive officer of the
2 ~~board of governors~~ council on postsecondary education and as the chief administrative officer of
3 the office of ~~higher education~~ postsecondary commissioner. The commissioner of ~~higher~~
4 postsecondary education shall have any duties that are defined in this section and in this title and
5 other additional duties as may be determined by the ~~board~~ council, and shall perform any other
6 duties as may be vested in him or her by law. In addition to these duties and general supervision
7 of the office of ~~higher education~~ postsecondary commissioner and the appointment of the several
8 officers and employees of the office, it shall be the duty of the commissioner of ~~higher~~
9 postsecondary education:

10 (1) To develop and implement a systematic program of information gathering,
11 processing, and analysis addressed to every aspect of higher education in the state, especially as
12 that information relates to current and future educational needs.

13 (2) To prepare a ~~master~~ strategic plan for higher education in the state aligned with the
14 goals of the board of education's strategic plan; to coordinate the goals and objectives of the
15 higher public education sector with the goals of the council on elementary and secondary
16 education, and activities of the independent higher education sector where feasible.

17 (3) To communicate with and seek the advice of those concerned with and affected by the
18 board of ~~governors'~~ education's and council's determinations.

19 (4) To implement broad policy as it pertains to the goals and objectives established by the
20 board of education and council on postsecondary education; to ~~enforce standards and to exercise~~
21 ~~general supervision~~ promote better coordination between ~~over~~ higher public education in the
22 state, ~~and over~~ independent higher education in the state as provided in subdivision (11) of this
23 section and pre-k through 12 education; to assist in the preparation of the budget for public higher
24 education and to be responsible upon direction of the ~~board~~ council for the allocation of
25 appropriations, the acquisition, holding, and disposition, ~~and general management~~ of property.

26 (5) To be responsible for the coordination of the various higher educational functions of
27 the state so that maximum efficiency and economy can be achieved.

28 (6) To assist the board of education in preparation and maintenance of a five (5) year
29 strategic funding plan for higher education; to assist the ~~board~~ council in the preparation and
30 presentation annually to the state budget officer in accordance with § 35-3-4 of a total public
31 higher educational budget.

32 (7) To recommend to the ~~board of governors,~~ council on postsecondary education after
33 consultation with the presidents, a clear and definitive mission for each public institution of
34 higher learning.

1 (8) ~~To recommend to the board of governors, after consultation with the presidents, tables~~
2 ~~of organization for the public institutions of higher learning.~~

3 (9) To annually recommend to the ~~board of governors,~~ council on postsecondary
4 education after consultation with the presidents, the creation, abolition, retention, or consolidation
5 of departments, divisions, programs, and courses of study within the public colleges and
6 universities to eliminate unnecessary duplication in public higher education ~~and,~~ to address the
7 future needs of public higher education in the state, and to advance proposals recommended by
8 the presidents of the public colleges and universities pursuant to sections 16-32-2.1, 16-33-2.1
9 and 16-33.1-2.1 of the general laws.

10 (10) To supervise the operations of the office of ~~higher education~~ postsecondary
11 commissioner and any other additional duties and responsibilities that may be assigned by the
12 ~~board~~ council.

13 (11) To perform the duties vested in the ~~board of governors~~ council with relation to
14 independent higher educational institutions within the state under the terms of chapter 40 of this
15 title and any other laws that affect independent higher education in the state.

16 (12) To be responsible for the administration of policies, rules, and regulations of the
17 ~~board of governors~~ the council on postsecondary education with relation to the entire field of
18 higher education within the state, not specifically granted to any other department, board, or
19 agency and not incompatible with law.

20 (13) To prepare standard accounting procedures for public higher education and all public
21 colleges and universities.

22 (14) To carry out the policies and directives of the board of ~~governors~~ education and the
23 council on postsecondary education through the office of ~~higher education~~ postsecondary
24 commissioner and through utilization of the resources of the public institutions of higher learning.

25 ~~(15) To direct the office of higher education to compile and analyze the following~~
26 ~~information for presentation to the speaker of the house and the governor by May 1st annually:~~

27 ~~(A) A detailed departmental breakdown of all faculty members employed at each state~~
28 ~~run college and university by rank (including all professors, associate professors, assistant~~
29 ~~professors, lecturers, instructors) and tenure (tenured and non-tenured, other) and by race~~
30 ~~(African American, Hispanic, Native American, and Asian) and gender.~~

31 ~~(B) A detailed report on current student enrollments for each class at each state run~~
32 ~~college and university by race and gender, by academic department, and by outreach program~~
33 ~~(e.g. talent development), guaranteed admissions program, and the current levels of funding and~~
34 ~~staff support for each of these programs.~~

1 ~~(C) A report on the current status of the African and Afro-American studies programs at~~
2 ~~each institution and a five (5) year budgetary history of the programs along with projections for~~
3 ~~budgetary support for the next two (2) years.~~

4 ~~(D) A plan for recruitment of African American and Hispanic faculty into tenure track~~
5 ~~positions at each institution with specific reference to and planned involvement with the New~~
6 ~~England higher education's minority faculty recruitment and development plan.~~

7 ~~(ii) Certified copies of the report shall be furnished to the board of governors and the~~
8 ~~presidents of the state colleges and universities.~~

9 **16-59-7.1. Permanent status for non-classified employees.** -- All non-classified
10 employees of the ~~board of governors~~ council on postsecondary education who shall have twenty
11 (20) years, not necessarily consecutive, of service credit, these credits having been earned in
12 either the classified, non-classified, or unclassified service or any combination of these, shall be
13 deemed to have acquired full status in their positions as the status is defined by § 36-4-59;
14 provided that this provision shall not apply to those employees whose base entry date is after
15 August 7, 1996; and provided that this provision shall not apply to faculty employed by the ~~board~~
16 ~~of governors~~ council on postsecondary education nor shall it apply to non-classified employees
17 who have acquired tenure as faculty.

18 **16-59-9. Educational budget and appropriations.** -- (a) The general assembly shall
19 annually appropriate any sums it deems necessary for support and maintenance of higher
20 education in the state and the state controller is authorized and directed to draw his or her orders
21 upon the general treasurer for the payment of the appropriations or so much of the sums that are
22 necessary for the purposes appropriated, upon the receipt by him or her of proper vouchers as the
23 ~~board of governors for higher education~~ council on postsecondary education may by rule provide.
24 The ~~board~~ council shall receive, review, and adjust the budgets of its several subordinate
25 committees and agencies and for the office of ~~higher education~~ postsecondary commissioner and
26 present the budget as part of the budget for higher education under the requirements of § 35-3-4.

27 (b) The office of ~~higher education~~ postsecondary commissioner and the institutions of
28 public higher education shall establish working capital accounts.

29 (c) Any tuition or fee increase schedules in effect for the institutions of public higher
30 education shall be received by the ~~board of governors~~ council on postsecondary education for
31 allocation for the fiscal year for which state appropriations are made to the ~~board of governors~~
32 council by the general assembly; provided that no further increases may be made by the board of
33 ~~governors~~ education or the council on postsecondary education for the year for which
34 appropriations are made. Except that these provisions shall not apply to the revenues of housing,

1 dining, and other auxiliary facilities at the University of Rhode Island, Rhode Island College, and
2 the Community Colleges including student fees as described in P.L. 1962, ch. 257 pledged to
3 secure indebtedness issued at any time pursuant to P.L. 1962, ch. 257 as amended.

4 (d) All housing, dining, and other auxiliary facilities at all public institutions of higher
5 learning shall be self-supporting and no funds shall be appropriated by the general assembly to
6 pay operating expenses, including principal and interest on debt services, and overhead expenses
7 for the facilities. Any debt service costs on general obligation bonds presented to the voters in
8 November 2000 and November 2004 or appropriated funds from the Rhode Island capital plan for
9 the housing auxiliaries at the University of Rhode Island and Rhode Island College shall not be
10 subject to this self-supporting requirement in order to provide funds for the building construction
11 and rehabilitation program. The institutions of public higher education will establish policies and
12 procedures which enhance the opportunity for auxiliary facilities to be self-supporting, including
13 that all faculty provide timely and accurate copies of booklist for required textbooks to the public
14 higher educational institution's bookstore.

15 (e) The additional costs to achieve self-supporting status shall be by the implementation
16 of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,
17 operating expenses, principal, and interest on debt services, and overhead expenses.

18 **16-59-22. Applicability of merit system – Teacher certification – List of positions**

19 **transferable to classified service.** -- (a) The appointment, promotion, salaries, tenure, and
20 dismissal of administrative, instructional, and research employees, and secretarial employees not
21 exceeding ten (10) in number, of the state colleges shall not be subject in any manner or degree to
22 control by the personnel administrator or by any officer or board other than the ~~board of~~
23 ~~governors for higher education~~ [council on postsecondary education](#). The certification of teachers
24 at the University of Rhode Island is abolished, except for teachers that elect to come or remain
25 under it.

26 (b) All positions that are exempt from the Merit System Law, chapter 4 of title 36, which
27 become vacant or that are to be established, must be forwarded to the personnel administrator,
28 who in consultation with the deputy assistant commissioner of education in charge of personnel
29 and labor relations shall determine whether the position(s) in question shall remain in the ~~board of~~
30 ~~governors for higher education~~ [council on postsecondary education](#) non-classified service or be
31 established in the classified service of the state.

32 (c) No position presently in the classified service of the state subject to the Merit System
33 Law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the ~~board~~
34 ~~of governors for higher education~~ [council on postsecondary education](#) non-classified service.

1 (d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student
2 employees of the higher education institutions shall not be covered by the preceding provisions
3 and shall remain in the ~~board of governors for higher education~~ [council on postsecondary](#)
4 [education](#) non-classified service.

5 SECTION 6. Sections 16-59-4.1 and 16-59-8 of the General Laws in Chapter 16-59
6 entitled "Board of Governors for Higher Education" are hereby repealed.

7 ~~**16-59-4.1. Administration of higher education.** --- The director of the department of
8 administration is hereby directed to conduct research and analysis to recommend a revised plan
9 for the organizational structure for higher education governance, staff support and resource
10 allocation in Rhode Island. This plan shall address the goal of improving affordability and
11 accessibility to public higher education; and maximizing efficiencies while providing sufficient
12 support to the governance structure of public higher education. The director of the department of
13 administration is directed to report findings, recommendations and alternative designs to the
14 general assembly no later than November 1, 2011 with copies to the speaker of the house, senate
15 president, chairs of the house and senate finance committees and their respective fiscal advisors.~~

16 ~~The report shall include a strategic plan that outlines the mission, goals, and the estimated
17 cost and timelines to implement said recommendations. The report shall provide a clear definition
18 of roles and responsibilities, including those responsible for implementing the proposed
19 recommendations. The analysis shall develop measures of success, and an appropriate timeline to
20 measure implementation progress. It shall also include:~~

21 ~~(1) An examination of the various organizational structures in other states, evaluating
22 their strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This
23 should include an evaluation of the best practices regarding organizational structures for higher
24 education.~~

25 ~~(2) An analysis of what functions could be allocated to other institutions, and which
26 might be centralized to translate into efficiencies and more effective higher education policy. This
27 should include, but not be limited to, strategies to reorganize and or centralize finance,
28 purchasing, human resources, information technology, and facilities management within an office
29 of higher education, with specific direction on the allocation of resources, staff and
30 responsibilities.~~

31 ~~The report should explore the feasibility of permanently allocating all operational
32 activities and other responsibilities currently held within the office of higher education to the
33 three (3) higher education institutions or other viable alternatives while maintaining the board of
34 governors.~~

1 ~~All departments and agencies of the state shall furnish such advice and information,~~
2 ~~documentary or otherwise to the director of the department of administration and its agents as is~~
3 ~~deemed necessary or desirable to facilitate the purposes of the study.~~

4 ~~**16-59-8. Operating executive committee.** -- (a) There is established an operating~~
5 ~~executive committee which shall be composed of the president of the University of Rhode Island,~~
6 ~~the president of Rhode Island College, the president of Community College of Rhode Island and~~
7 ~~the commissioner of higher education. The commissioner of higher education shall serve as the~~
8 ~~chairperson of the committee.~~

9 ~~(b) The committee shall meet on a regular basis, provided, that they shall meet not less~~
10 ~~than twelve (12) times per year, and the purpose of the committee shall include but not be limited~~
11 ~~to developing coherent plans for the elimination of unnecessary duplication in public higher~~
12 ~~education and addressing the future needs of public higher education within the state in the most~~
13 ~~efficient and economical manner possible. All recommendations and information gathered at the~~
14 ~~meetings of the committee shall be forwarded to the board of governors by the commissioner of~~
15 ~~higher education in conjunction with the presidents for approval and disapproval.~~

16 ~~(c) Prior to the presentation of any proposal to the board of governors, the committee~~
17 ~~shall fully examine its impact on higher education, including but not limited to its impact on~~
18 ~~educational budgetary requirements, quality of higher education and elimination of unnecessary~~
19 ~~duplication. The chairperson of the committee may invite additional participation by faculty and~~
20 ~~other employees when he or she deems it necessary.~~

21 SECTION 7. Sections 16-60-1, 16-60-2, 16-60-4 and 16-60-6 of the General Laws in
22 Chapter 16-60 entitled "Board of Regents for Elementary and Secondary Education" are hereby
23 amended to read as follows:

24 ~~**16-60-1. Board established**~~ **Council on elementary and secondary education**
25 ~~**established.**~~ -- (a) There is created a ~~board of regents for elementary and secondary education~~
26 ~~sometimes referred to as the "regents" or the "board of regents,"~~ council on elementary and
27 secondary education which shall be and is constituted a public corporation, empowered to sue and
28 be sued in its own name, to have a corporate seal, and to exercise all the powers, in addition to
29 those specifically enumerated in this chapter, usually appertaining to public corporations
30 entrusted with control of elementary and secondary education institutions and functions. The
31 ~~regents~~ council on elementary and secondary education shall be protected from sudden changes in
32 membership and reversal of policy by having staggered terms for its public members.

33 (b) Upon its organization the ~~board of regents~~ council on elementary and secondary
34 education shall be invested with the legal title (in trust for the state) to all property, real and

1 personal, now owned by and/or under the control or in the custody of the board of regents for
2 education for the use of the department of elementary and secondary education. The ~~board of~~
3 ~~regents~~ council on elementary and secondary education is made successor to all powers, rights,
4 duties, and privileges pertaining to elementary and secondary education.

5 (c) The ~~board of regents for elementary and secondary education shall consist of ten (10)~~
6 ~~members as follows: Eight (8) public members appointed pursuant to the terms of subsection 16-~~
7 ~~60-2(a), one student member who shall be ex officio and nonvoting elected pursuant to the~~
8 ~~provisions of subsection 16-60-2(d), and a member of the board of governors for higher education~~
9 ~~designated by the governor~~ council on elementary and secondary education shall consist of seven
10 (7) members appointed by the governor from the membership of the board of education
11 established pursuant to section 16-97-1 of the general laws. Five (5) voting members of the board
12 shall constitute a quorum and the vote of a majority vote of those present and voting shall be
13 required for action.

14 The public members of the ~~board of regents~~ council on elementary and secondary
15 education shall not be compensated for service in attending meetings or duly organized
16 subcommittee meetings of the board of education or the council at which business is transacted.

17 (d) The governor shall designate one of the public members as chairperson of the ~~board~~
18 ~~of regents~~ council on elementary and secondary education. The ~~board~~ council may elect from
19 among its members such other officers as it deems necessary.

20 (e) The council on elementary and secondary education is made successor to all powers,
21 rights, duties, and privileges formerly belonging to the board of regents for elementary and
22 secondary education, unless otherwise specified in law.

23 **16-60-2. Appointment of board members.** -- (a) The governor shall ~~with the advice and~~
24 ~~consent of the senate establish the board by appointing eight (8) members to serve staggered~~
25 ~~terms. The appointments shall be made for terms of three (3) years commencing on February 1 in~~
26 ~~the year of appointment and ending on January 31 in the third (3rd) year after this, except, at the~~
27 ~~expiration of their terms members shall remain and continue in their official capacity until a new~~
28 ~~member is appointed and confirmed. Any vacancy among the public members of the board shall~~
29 ~~be filled by appointment of the governor for the remainder of the unexpired term. In the selection~~
30 ~~and appointment of members of the board the governor shall seek persons who best serve the~~
31 ~~entire needs of the state. Public members shall not be appointed for more than three (3)~~
32 ~~successive three (3) year terms each; provided, that this limitation shall not apply to that person~~
33 ~~designated as chairperson by the governor who may be a member so long as he or she shall serve~~
34 ~~as chairperson.~~ establish the council on elementary and secondary education by appointing seven

1 [\(7\) members of the board of education established pursuant to chapter 16-97 to serve as members](#)
2 [of the council until the expiration of their term and appointment of their successor as a member of](#)
3 [the board of education. The governor shall appoint the chair of the council on an annual basis](#)
4 [from among the seven \(7\) council members.](#)

5 (b) No person shall be eligible for appointment to the board after the effective date of this
6 act [March 24, 2006] unless he or she is a resident of this state.

7 (c) Members of the ~~board~~ [council on elementary and secondary education](#) shall be
8 removable by the governor pursuant to the provisions of § 36-1-7 of the general laws and for
9 cause only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for
10 the office shall be unlawful.

11 (d) There is hereby established a student advisory council to the ~~board of regents~~ [council](#)
12 [on elementary and secondary education](#), consisting of one elected high school student
13 representative from each public secondary school in the state of Rhode Island.

14 (1) Each public secondary school shall hold elections for its representative to the student
15 advisory council no earlier than the first (1st) day of March and no later than the end of the
16 second (2nd) full week of April. Each school shall elect only one representative. Elected members
17 shall be notified of their election on or before the Friday of the third (3rd) week of April of the
18 year of their election. No person shall be eligible to be elected to the student advisory council
19 unless at the time of his or her election he or she is enrolled as a student in a secondary school
20 between the grades of nine (9) and eleven (11) within the state of Rhode Island. No person shall
21 be allowed to vote if they are not currently enrolled in a Rhode Island public secondary school
22 between the grades of nine (9) and eleven (11). If at any time during his or her term of office a
23 member of the student advisory council ceases to be so enrolled, his or her membership shall be
24 terminated and his or her position shall be deemed vacant. This vacancy shall be filled by the
25 public secondary school within thirty (30) school days of the opening of the vacancy.

26 (2) The student advisory council will serve from the first (1st) day of May of the year it is
27 elected until the last day of April of the following year. A student may serve no more than three
28 (3) terms.

29 (3) Said student advisory council shall meet from time to time and shall consider such
30 matters as it deems appropriate.

31 (4) Prior to the first (1st) day of June of each annual session the student advisory council
32 shall adopt a set of bylaws.

33 (5) Members of the council shall not be compensated for service in attending meetings
34 except that they shall be reimbursed for necessary expenses incurred in travelling to and from

1 meetings.

2 (6) The members of said student advisory council shall, by majority vote prior to the first
3 (1st) day of June in each year, elect from their members a chairperson who shall serve for a term
4 of one year beginning on the first (1st) day of June. Said chairperson shall serve as an ex officio
5 and nonvoting member of the ~~board of regents~~ [council](#) for a term of one year, unless the student
6 advisory council removes said chairperson from his or her position in a manner described within
7 the bylaws of that council and/or if he or she is otherwise removed by the governor.

8 ~~16-60-4. Board of regents for elementary and secondary education— Powers and~~
9 ~~duties~~ **Council on elementary and secondary education– Powers and duties.** -- The ~~board of~~
10 ~~regents for elementary and secondary education~~ [Council on elementary and secondary education](#)
11 shall have in addition to those enumerated in § 16-60-1, the following powers and duties:

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

17 (2) To approve a master plan ~~defining~~ [implementing the](#) broad goals and objectives for
18 elementary and secondary education in the state [that have been established by the board of](#)
19 [education](#). These goals and objectives shall be expressed in terms of what men and women should
20 know and be able to do as a result of their educational experience. The ~~regents~~ [council on](#)
21 [elementary and secondary education](#) shall continually evaluate the efforts and results of education
22 in the light of these objectives.

23 (3) To ~~formulate broad policy to implement the goals and objectives established and~~
24 ~~adopted by the board of regents; to~~ adopt standards and require enforcement and to exercise
25 general supervision over all elementary and secondary public and nonpublic education in the state
26 as provided in subdivision (8) of this section. The ~~board of regents~~ [council on elementary and](#)
27 [secondary education](#) shall not engage in the operation or administration of any subordinate
28 committee, local school district, school, school service, or school program, except its own
29 department of elementary and secondary education, and except as specifically authorized by an
30 act of the general assembly. The adoption and submittal of the budget and the allocation of
31 appropriations, the acquisition, holding, disposition, and general management of property shall
32 not be construed to come within the purview of the preceding prohibition. The ~~regents~~ [council on](#)
33 [elementary and secondary education](#) shall communicate with and seek the advice of the
34 commissioner of elementary and secondary education and all those concerned with and affected

1 by its determinations as a regular procedure in arriving at its conclusions and in setting its policy.

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

5 (5) To prepare with the assistance of the commissioner of elementary and secondary
6 education and to present annually to the state budget officer, in accordance with § 35-3-4, a total
7 educational budget for the elementary and secondary sector which shall include, but not be
8 limited to, the budgets of the department of elementary and secondary education, subordinate
9 boards and agencies, and state aid to local school districts. Prior to submitting the budget as
10 required by the budget office instructions and this subsection, the council shall present the budget
11 to the board of education for review and consent.

12 (ii) In the preparation of the budget, the ~~regents~~ council on elementary and secondary
13 education shall ~~determine~~ implement the priorities established by the board of education of
14 expenditures for elementary and secondary education purposes of state revenues and other public
15 resources made available for the support of public elementary and secondary education among
16 the various education agencies of the state. Nothing contained in this section shall authorize any
17 individual or group of individuals to reallocate resources in a manner other than that prescribed in
18 the budget as appropriations by the general assembly.

19 (6) To maintain a department of elementary and secondary education, to provide for its
20 staffing and organization and to appoint a commissioner of elementary and secondary education
21 pursuant to § 16-60-6 who shall serve at its pleasure. The commissioner of elementary and
22 secondary education and the department of elementary and secondary education shall have any
23 duties and responsibilities as defined in §§ 16-60-6 and 16-60-7.

24 (7) To establish other educational agencies or subcommittees necessary or desirable for
25 the conduct of any or all aspects of elementary and secondary education and to determine all
26 powers, functions, and composition of any agencies or subcommittees and to dissolve them when
27 their purpose shall have been fulfilled; provided that nothing contained in this subdivision shall
28 be construed to grant the regents the power to establish subcommittees or agencies performing the
29 duties and functions of local school committees except as provided in § 16-1-10.

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

34 (9) To exercise all the functions, powers and duties which previously were vested in the

1 board of regents for education, under the provisions of former § 16-49-4(9), including but not
2 limited to the following specific functions:

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

5 (ii) To adopt standards and qualifications for the certification of teachers and to provide
6 for the issuance of certificates, and to establish fees for the certification of teachers. The fees
7 collected for the certification of teachers along with various education licensing and testing fees
8 shall be deposited by the ~~board of regents~~ council on elementary and secondary education as
9 general revenues. The funds appropriated by the general assembly shall be utilized by the
10 department of elementary and secondary education to establish and support programs which
11 enhance the quality and diversity of the teaching profession. The commissioner of elementary and
12 secondary education shall regularly make recommendations to the board about specific programs
13 and projects to be supported by those funds. The commissioner shall oversee the funds, assess the
14 effectiveness of its programs and projects, and make recommendations about the general use and
15 operation of the funds to the board.

16 (iii) To be responsible for the distribution of state school funds.

17 (iv) To determine the necessity of school construction and to approve standards for
18 design and construction of school buildings throughout the state.

19 (v) To set standards for school libraries and school library services.

20 (vi) To make recommendations relative to transportation of pupils to school, school bus
21 routes, time schedules, and other matters relating to pupil transportation.

22 (vii) To enforce the provisions of all laws relating to elementary and secondary
23 education.

24 (viii) To decide and determine appeals from decisions of the commissioner.

25 (ix) To prescribe forms for the use of local school committees and local officers when
26 reporting to the department of elementary and secondary education.

27 (x) To adopt and require standard accounting procedures for local school districts, except
28 as provided for in subdivision (3) of § 16-24-2.

29 (xi) To adopt and require standard uniform operating and capital budgeting procedures
30 for local school districts.

31 (10) To establish rules for the approval and accrediting of elementary and secondary
32 schools.

33 (11) To recommend to the general assembly changes in the size and number of the school
34 districts within the state; and to make any further and other recommendations to the general

1 assembly as the board of regents may determine to be necessary or desirable, including, but not
2 limited to, proposals for incentives for the coordination of services and facilities of certain school
3 districts and the feasibility of granting taxing authority to local school committees upon their
4 request, and the impact upon the quality of education within that particular community by
5 granting the request. In carrying out this duty, the ~~board of regents~~ council on elementary and
6 secondary education shall periodically issue reports in school district organizations for selected
7 regions and school districts.

8 (12) To exercise all other powers with relation to the field of elementary and secondary
9 education within this state not specifically granted to any other department, board, or agency, and
10 not incompatible with law, which the ~~board of regents for elementary and secondary education~~
11 council on elementary and secondary education may deem advisable.

12 (13) To exercise the authority previously vested in the board of regents for education with
13 relation to adult education as defined in § 16-58-2 and to establish definitive goals for and operate
14 a comprehensive delivery system for adult education programs and services, including the
15 counseling and testing of persons interested in obtaining high school equivalency diplomas, the
16 issuance of diplomas, and the maintenance of a permanent record of applications, tests, and
17 equivalency diplomas.

18 (14) To promote maximum efficiency and economy in the delivery of elementary and
19 secondary educational services in the state.

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

24 (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an
25 annual report to the governor, the speaker of the house of representatives, and the president of the
26 senate of its activities during that fiscal year. The report shall provide: an operating statement
27 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or
28 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,
29 and programs administered or initiated; a consolidated financial statement of all funds received
30 and expended including the source of the funds, a listing of any staff supported by these funds,
31 and a summary of any clerical, administrative or technical support received; a summary of
32 performance during the previous fiscal year including accomplishments, shortcomings and
33 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the
34 authority of the ~~board~~ council; a briefing on anticipated activities in the upcoming fiscal year; and

1 findings and recommendations for improvements. The director of the department of
2 administration shall be responsible for the enforcement of the provisions of this subsection.

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

6 (18) Each year the governor shall by writing notify the ~~board of regents for elementary~~
7 ~~and secondary education~~ council on elementary and secondary education concerning broad
8 economic, cultural, and social needs that the education system needs to consider which the board
9 shall address in developing educational plans and programs.

10 (19) Appoint a standing committee that will develop a schedule to systematically review
11 all ~~board~~ council policies over a three (3) year period.

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

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

18 (A) Expulsions by district, including duration and the reason for each action.

19 (B) Suspensions by district, including duration and the reason for each action.

20 (C) Placements to alternative programs for disciplinary reasons.

21 (D) Assaults of teachers, students, and school staff by students.

22 (E) Incidents involving possession of weapons on school property. For the purpose of this
23 section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-
24 42.

25 (F) Incidents of the sale of controlled substances by students.

26 (G) Incidents of the possession with the intent to sell controlled substances by students.

27 (H) Additional demographic information including, but not limited to, the ethnic and
28 racial classifications, age, and gender, as prescribed by the commissioner, of each of the students
29 involved in the incidents, events or actions described in subparagraphs (A) through (G) of this
30 subdivision.

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

33 (ii) All school superintendents shall supply the necessary information on forms
34 established by the commissioner of elementary and secondary education to the ~~board of regents~~

1 [council on elementary and secondary education](#) to assist in the preparation of the ~~board of regents'~~
2 [council's](#) report on school discipline.

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

- 5 (i) Student and teacher attendance rates;
- 6 (ii) Standardized test scores;
- 7 (iii) Demographic profiles;
- 8 (iv) Results of polls of students, parents, and teachers;
- 9 (v) Descriptions of goals, initiatives, and achievements;
- 10 (vi) Best teaching practices;
- 11 (vii) Alternative student assessments;
- 12 (viii) Special programs;
- 13 (ix) Number of student suspensions and teacher grievances and the amount of parental
14 involvement.

15 ~~(23) The board shall conduct a training course for newly appointed and qualified~~
16 ~~members within six (6) months of their qualification. The course shall be developed by the~~
17 ~~chairperson of the board, approved by the board, and conducted by the chairperson of the board.~~
18 ~~The board may approve the use of any board or staff members or other individuals to assist with~~
19 ~~training. The training course shall include instruction in the following areas: the provisions of~~
20 ~~chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of~~
21 ~~administration shall, within ninety (90) days of the effective date of this act, prepare and~~
22 ~~disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.~~

23 **16-60-6. Commissioner of elementary and secondary education. --** The ~~regents~~
24 [council on elementary and secondary education, with the advice and consent of the board of](#)
25 [education](#), shall appoint a commissioner of elementary and secondary education who shall serve
26 at the pleasure of the ~~regents~~ [council on elementary and secondary education](#), provided that the
27 commissioner's initial engagement by the ~~regents~~ [council](#) shall be for a period of not more than
28 three (3) years. For the purpose of appointing, retaining, or dismissing a commissioner, the
29 governor shall serve as an additional voting member of the ~~board of regents~~ [council on](#)
30 [elementary and secondary education](#), and provided that in the case of a tie, the president of the
31 senate shall cast the deciding vote. The position of commissioner shall be in the unclassified
32 service of the state and he or she shall serve as the chief executive officer of the ~~board of regents~~
33 [council on elementary and secondary education](#) and as the chief administrative officer of the
34 department of elementary and secondary education. The commissioner of elementary and

1 secondary education shall have the duties that are defined in this section and in this title and any
2 other additional duties that may be determined by the ~~regents~~ [the council on elementary and](#)
3 [secondary education](#), and shall perform any other duties that may be vested in the commissioner
4 by law. In addition to the general supervision of the department of elementary and secondary
5 education and the appointment of the several officers and employees of the department, it shall be
6 the duty of the commissioner of elementary and secondary education:

7 (1) To develop and implement a systematic program of information gathering,
8 processing, and analysis addressed to every aspect of elementary and secondary education in the
9 state, especially as that information relates to current and future educational needs.

10 (2) To prepare a master plan for elementary and secondary education in the state; to
11 coordinate the goals and objectives of the public elementary and secondary education sector with
12 the activities of the nonpublic elementary and secondary education sector where feasible.

13 (3) To communicate with and seek the advice of those concerned with and affected by the
14 board of ~~regents'~~ [education's and the council's](#) determinations.

15 (4) To implement broad policy as it pertains to the goals and objectives established by the
16 ~~regents~~ [board of education](#); to enforce standards and to exercise general supervision over public
17 elementary and secondary education in the state and over all elementary and secondary nonpublic
18 education in the state as provided in subdivision (8) of this section; to assist in the preparation of
19 the budget for elementary and secondary education and to be responsible upon direction of the
20 ~~regents~~ [council on elementary and secondary education](#) for the allocation of appropriations, the
21 acquisition, holding, disposition, and general management of property.

22 (5) To be responsible for the coordination of the various elementary and secondary
23 educational functions among the educational agencies of the state including local school districts
24 and to encourage and to assist in the cooperation among them so that maximum efficiency and
25 economy may be achieved.

26 (6) To assist the ~~regents~~ [council on elementary and secondary education](#) in the
27 preparation and presentation annually to the state budget officer, in accordance with § 35-3-4, of
28 a total state elementary and secondary educational budget which shall include, but not be limited
29 to, the budget of the department of elementary and secondary education, subcommittees and
30 agencies, and state aid to local school districts.

31 (7) To supervise the operation of the department of elementary and secondary education,
32 to have the duties as defined in § 16-1-5 and in this title or in law wherever outlined, and other
33 additional duties and responsibilities that may be assigned by the ~~regents~~ [council on elementary](#)
34 [and secondary education](#).

1 (8) To perform the duties vested in the board of ~~regents~~ education and council on
2 elementary and secondary education with relation to nonpublic elementary and secondary
3 educational institutions within the state under the terms of chapter 40 of this title, and other laws
4 that affect nonpublic elementary and secondary education in the state.

5 (9) To supervise the following specific functions:

6 (i) To recommend the basic subjects and courses of study to be taught and instructional
7 standards to be maintained in the public elementary and secondary schools in the state.

8 (ii) To recommend standards and qualifications of teachers and to issue certificates upon
9 approval of standards and qualifications by the ~~regents~~ council on elementary and secondary
10 education.

11 (iii) To distribute state school funds in accordance with law and regulations of the ~~board~~
12 ~~of regents~~ council on elementary and secondary education.

13 (iv) To certify as to the necessity of school construction and that standards and design are
14 in accordance with law and regulations of the ~~regents~~ council on elementary and secondary
15 education and to approve a design for school construction throughout the state.

16 (v) To certify that school library standards and services are in accordance with law and
17 regulations of the ~~board of regents~~ council on elementary and secondary education.

18 (vi) To recommend to the ~~board of regents~~ council on elementary and secondary
19 education matters relating to the transportation of pupils to school.

20 (vii) To require the observance of all laws relating to elementary and secondary schools
21 and education.

22 (viii) To interpret school law and to decide any controversies that may be appealed to him
23 or her from decisions of local school committees.

24 (ix) To prepare and recommend standard forms for the use of local schools when
25 reporting to the department of elementary and secondary education.

26 (x) To prepare standard accounting and auditing procedures for local school districts,
27 except for the purposes of subdivision (3) of § 16-24-2 which shall be done in conjunction with
28 the auditor general.

29 (xi) To prepare uniform budgeting procedures for local school districts.

30 (xii) To determine when special purpose grants made to local school districts shall be
31 eligible for reimbursement through the school operations aid formula in accordance with chapter
32 7 of this title, and to designate the purpose(s) for which the local school district may use the
33 school operations aid reimbursement, including reimbursement on local matching funds used to
34 support the special purpose grant. The commissioner shall promulgate and adopt rules and

1 regulations to carry out the intent of this subsection.

2 (10) To approve and accredit elementary and secondary schools in accordance with the
3 policy and regulations of the ~~board of regents~~ council on elementary and secondary education.

4 (11) To be responsible for the administration of policies, rules, and regulations of the
5 board of ~~regents~~ education and the council on elementary and secondary education with relation
6 to the entire field of elementary and secondary education within the state not specifically granted
7 to any other department, board, or agency and not incompatible with law.

8 (12) To receive from law enforcement agencies a list periodically of the names of Rhode
9 Island missing children and to disseminate these lists to local school districts.

10 SECTION 8. Sections 16-97-1 and 16-97-6 of the General Laws in Chapter 16-97
11 entitled "The Rhode Island Board of Education Act" are hereby amended to read as follows:

12 **16-97-1. Rhode Island board of education established.** -- (a) Effective January 1, 2013,
13 there is created a board of education which shall ~~be and is constituted a public corporation,~~
14 ~~empowered to sue and be sued in its own name, to have a corporate seal, and to be vested with all~~
15 ~~the powers and duties currently vested in the board of governors for higher education established~~
16 ~~in chapter 16-59 and the board of regents for elementary and secondary education established in~~
17 ~~chapter 16-60.~~ be responsible for and shall exercise the purposes, powers and duties as defined in
18 this chapter and chapters 16-59 and 16-60 of the general laws. The Board is responsible for the
19 coordination of education from pre-k through higher education and shall set goals and policies for
20 the effective coordination of these public education systems.

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

28 ~~(e)~~(b) The board of education shall consist of ~~eleven (11)~~ fifteen (15) public members
29 appointed by the governor with the advice and consent of the senate. ~~Four (4)~~ Six (6) of the
30 members initially appointed pursuant to this section shall serve terms of three (3) years; ~~four (4)~~
31 six (6) members initially appointed pursuant to this section shall serve terms of two (2) years;
32 and, three (3) members initially appointed pursuant to this section shall serve terms of one year.
33 Thereafter, all members appointed pursuant to this section shall serve terms of three (3) years. No
34 board member shall be appointed to serve more than two (2) three (3) year terms. The public

1 members of the board shall not be compensated for their service in attending meetings or duly
2 organized meetings of the council on elementary and secondary education, or the council for
3 postsecondary education, or any subcommittees of the board.

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

7 ~~(d)~~(d) The statutory responsibilities of the department of elementary and secondary
8 education, the commissioner of elementary and secondary education, and the commissioner of
9 higher postsecondary education shall remain unchanged. ~~No later than July 1, 2013, the board of~~
10 ~~education shall submit to the governor and the general assembly its final plan for the permanent~~
11 ~~administrative structure for higher education. As a requisite element of the administrative~~
12 ~~structure for higher education, the board of education shall establish a plan for distributing the~~
13 ~~assets, responsibilities, powers, authorities, and duties of the office of higher education to the~~
14 ~~three (3) higher education institutions and appropriate state agencies. Said distribution shall be~~
15 ~~done in a manner designed to maximize efficiency, provide greater articulation of the respective~~
16 ~~responsibilities of elementary and secondary and higher education, and ensure that students are~~
17 ~~prepared to succeed in school, college, careers, and life. The permanent governance structure for~~
18 ~~higher education shall, at a minimum: (1) Provide clear guidance on statutory, legal, financial and~~
19 ~~contractual obligations; (2) Establish a policy framework that furthers the goals of this chapter;~~
20 ~~and (3) Establish appropriate administrative structures, support, policies and procedures.~~
21 ~~Effective July 1, 2014, the office of higher education shall be abolished.~~

22 (e) At the expiration of their terms, members shall remain and continue in their official
23 capacity until their successor is appointed and confirmed. Any vacancy among the public
24 members of the board shall be filled by appointment of the governor for the remainder of the
25 unexpired term. In the selection and appointment of members of the board, the governor shall
26 seek persons who best serve the needs of the entire state. Public members shall not be appointed
27 for more than three (3) successive three (3) year terms each; provided, however, that this
28 limitation shall not apply to that person designated as chairperson by the governor, who may
29 remain a member so long as he or she shall serve as chairperson.

30 (f) No person shall be eligible for appointment to the board after the effective date of this
31 act, unless a resident of this state.

32 (g) Members of the board shall be removable by the governor pursuant to the provisions
33 of § 36-1-7 of the general laws and for cause only. Removal solely for partisan or personal
34 reasons unrelated to capacity or fitness for the office shall be prohibited.

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

5 **16-97-6. Reporting requirements.** -- The board shall submit ~~periodic reports~~ an annual
6 report to the governor, speaker of the house, senate president, chairs of the house and senate
7 finance committees and their respective fiscal advisors, the chair of the house health, education
8 and welfare committee, and chair of the senate education committee no later than March 1, 2015
9 and every March 1 thereafter ~~on its progress towards implementation of this chapter. The first~~
10 ~~report shall be submitted no later than April 1, 2013 and quarterly thereafter until January 1,~~
11 ~~2014. It shall submit a report annually thereafter through 2018.~~

12 SECTION 9. Chapter 16-97 of the General Laws entitled "The Rhode Island Board of
13 Education Act" is hereby amended by adding thereto the following sections:

14 **16-97-1.1. Purposes of the board of education.** -- The Rhode Island Board of Education
15 shall be responsible for long-range planning and for coordinating and evaluating policies and
16 programs for the public educational systems of the state. The general assembly finds and declares
17 that the board of education shall have the following purposes:

18 (a) To develop and adopt educational, financial and operational goals for the education
19 systems of the state that represent achievable benchmarks for a ten (10) year and (20) twenty (20)
20 year time scale and that can be implemented by the council on elementary and secondary
21 education, the council on postsecondary education, and the commissioners for elementary and
22 secondary education and postsecondary education;

23 (b) To ensure that the education systems of the state are aligned with the projected
24 opportunities in workforce development and economic development and that the education
25 systems are preparing students to participate in the future workforce of Rhode Island;

26 (c) To coordinate programs and courses of study and promote collaboration between and
27 among pre-kindergarten through higher education institutions and agencies, including, but not
28 limited to:

29 (1) improving career and college readiness;

30 (2) reducing the need for remedial instruction;

31 (3) implementing and coordinating common core and other system wide standards;

32 (4) ensuring there is a quality system for adult education and certification programs in
33 secondary school and community college.

34 (d) To present strategic budget and finance recommendations to the council on

1 elementary and secondary education and council on postsecondary education that are aligned with
2 the long-range goals adopted by the board.

3 **16-97-1.2. Powers and duties of the board of education.** -- The board of education
4 shall have the following powers and duties:

5 (a) To develop and adopt a strategic plan defining broad goals and objectives for
6 education in the state. These goals and objectives shall be expressed in terms of the future
7 educational attainment of the population, quality of life and economy of Rhode Island, including,
8 but not limited to, what children, men and women should know and be able to do as a result of
9 their educational experience and the contributions of education to meeting the workforce and
10 economic development needs of Rhode Island. The board shall approve the strategic plans for
11 elementary and secondary education and postsecondary education in terms of the alignment of
12 these strategic plans with the overall strategic plan of the board of education. The board shall
13 continuously evaluate the efforts of the council on elementary and secondary education and the
14 council on postsecondary education to implement the strategic plans and shall review the results
15 of education in the light of these objectives;

16 (b) To prepare and maintain a five (5) year strategic funding plan for all levels of
17 education in Rhode Island. The board shall determine priorities of expenditures for public
18 education purposes of state revenues and other public resources made available for the support of
19 public education and direct the council on elementary and secondary education and the council on
20 postsecondary education to implement those priorities when developing the annual budget for
21 elementary and secondary education and higher education. The councils shall present their annual
22 budgets to the board for its review and consent. Nothing contained in this subdivision shall
23 authorize the board to alter the allocation of grants or aid otherwise provided by law;

24 (c) To develop and submit to the general assembly for approval a performance funding
25 formula for public higher education that furthers the purposes of the board and ensures that all
26 students may achieve educational excellence;

27 (d) To develop policies that maximize the potential of collaboration from elementary and
28 secondary education through higher education systems and that improve efficiencies at all levels
29 of the education system through improved coordination of activities;

30 (e) To embrace the legislative findings regarding virtual education established by section
31 16-22.1-2 of the general laws and adopt goals and policies that address these findings and to
32 encourage the council on elementary and secondary education and the council for postsecondary
33 education to develop and or improve virtual learning experiences for Rhode Island students;

34 (f) To provide advice and consent to the council on elementary and secondary education

1 regarding the appointment of a commissioner of elementary and secondary education.

2 (g) To provide advice and consent to the council for postsecondary education regarding
3 the appointment of a commissioner of postsecondary education.

4 (h) To conduct a training course for newly appointed and qualified board members within
5 six (6) months of their qualification. The course shall be developed by the chairperson of the
6 board, approved by the board, and conducted by the chairperson of the board. The board may
7 approve the use of any board or staff members or other individuals to assist with training. The
8 training course shall include instruction in the following areas: the provisions of chapters 42-46,
9 36-14, and 38-2; and the board's own rules. The director of the department of administration
10 shall, within ninety (90) days of the effective date of this act, prepare and disseminate training
11 materials relating to the provisions of chapters 42-46, 36-14, and 38-2.

12 SECTION 10. Sections 16-97-2 and 16-97-3 of the General Laws in Chapter 16-97
13 entitled "The Rhode Island Board of Education Act" are hereby repealed.

14 ~~**16-97-2. Executive agents of the state board of education.** -- The state board of~~
15 ~~education shall appoint a Commissioner of Elementary and Secondary Education who shall be the~~
16 ~~board's executive agent in matters pertaining to elementary and secondary education and who~~
17 ~~shall have the duties established in R.I.G.L. 16-60-6. The state board of education shall also~~
18 ~~appoint a Commissioner of Higher Education who shall be the board's executive agent in matters~~
19 ~~pertaining to higher education and who shall have the duties established in R.I.G.L. 16-59-6. The~~
20 ~~Commissioners shall be employees of the board in the unclassified service and shall not be~~
21 ~~members of the board and shall serve at the pleasure of the board.~~

22 ~~**16-97-3. Executive committee of education.** -- (a) There is established an executive~~
23 ~~committee of education that shall be composed of the president of the University of Rhode Island,~~
24 ~~the president of Rhode Island College, the president of Community College of Rhode Island, the~~
25 ~~commissioner of higher education, and the commissioner of elementary and secondary education.~~
26 ~~The commissioner of higher education shall serve as the chairperson of the committee.~~

27 ~~(b) The committee shall meet on a regular basis, provided, that they shall meet not less~~
28 ~~than twelve (12) times per year, and the purpose of the committee shall include, but not be limited~~
29 ~~to, developing coherent plans for the elimination of unnecessary duplication in public education~~
30 ~~and addressing the future needs of public education within the state in the most efficient and~~
31 ~~economical manner possible. All recommendations and information gathered at the meetings of~~
32 ~~the committee shall be forwarded to the board of education for final action of the board of~~
33 ~~education.~~

34 ~~(c) Prior to the presentation of any proposal to the board of governors, the committee~~

1 ~~shall fully examine its impact on public education, including, but not limited to, its impact on~~
2 ~~educational budgetary requirements, quality of education and elimination of unnecessary~~
3 ~~duplication. The chairperson of the committee may invite additional participation by faculty and~~
4 ~~other employees when he or she deems it necessary.~~

5 SECTION 11. This act shall take effect upon passage.

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LC004016
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- BOARD OF EDUCATION ORGANIZATIONAL
STRUCTURE

- 1 This act would establish a permanent governance structure for the Rhode Island board of
- 2 education.
- 3 This act would take effect upon passage.

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LC004016
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