

2019 -- S 0937

=====
LC002608
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

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

Introduced By: Senators Pearson, DiPalma, Seveney, Satchell, and McCaffrey

Date Introduced: May 30, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-97 of the General Laws entitled "The Rhode Island Board of
2 Education Act" is hereby amended by adding thereto the following sections:

3 **16-97-11. Secretary of Education established.**

4 (a) Effective January 1, 2020, there is hereby established an executive office of education
5 (the "office"), which shall oversee all educational functions of the state. The office shall include
6 the office of postsecondary education and the department of elementary and secondary education.

7 (b) The office shall be under the supervision and control of a secretary of education (the
8 "secretary"). Before entering upon the discharge of duties, the secretary shall take an oath to
9 faithfully execute the duties of the office. The secretary shall:

10 (1) Be appointed by the governor with the advice and consent of the senate;

11 (2) Devote full time to the duties of the office; and

12 (3) Hold office at the pleasure of the governor, and until a successor is appointed and
13 confirmed.

14 **16-97-12. Powers and duties of secretary of education.**

15 (a) The secretary of education (the "secretary") shall have the following duties and
16 powers:

17 (1) Analyze the present and future goals, needs, and requirements of public education in
18 the state, and provide the board of education and the general assembly with said analysis upon
19 request;

1 (2) Review and approve the mission statement and five (5) year strategic plan for
2 elementary and secondary education in the state, and prepare a mission statement and five (5)
3 year strategic plan for higher education in the state:

4 (i) The five (5) year strategic plan for public higher education shall be aligned with the
5 goals of the board of education's strategic plan;

6 (ii) The five (5) year strategic plans for elementary and secondary education and higher
7 education shall be designed to achieve a well-coordinated system of education from early
8 childhood through adulthood;

9 (3) Coordinate the goals and objectives of the public higher education sector with the
10 goals of the council on elementary and secondary education and, where feasible, the activities of
11 the independent higher education sector;

12 (4) To assist the board of education in preparation and maintenance of a five (5) year
13 strategic funding plan for education;

14 (5) Make annual recommendations to the governor, senate president, and speaker of the
15 house concerning the funding of education in the state, and assist in preparing budget proposals to
16 be put before the legislature on behalf of the state's elementary and secondary education and
17 public higher education programs;

18 (6) Serve as the governor's advisor on educational issues and represent the interests of
19 education;

20 (7) Serve as an ex officio voting member of the council on elementary and secondary
21 education, the council on postsecondary education, and the board of education, and facilitate
22 coordination and communication between and among those councils and the board;

23 (8) Appoint the commissioner of elementary and secondary education, who shall serve at
24 the pleasure of the secretary of education subject to the advice and consent of the board of
25 education;

26 (9) Manage all resources within the department of elementary and secondary education,
27 the office of the commissioner of elementary and secondary education, and the office of
28 postsecondary education, including, but not limited to, all resources necessary to implement a
29 longitudinal data system to coordinate the collection and analysis of educational data from
30 prekindergarten programs through higher education;

31 (10) To develop and implement a systematic program of information gathering,
32 processing, and analysis addressed to every aspect of education in the state, especially as that
33 information relates to current and future educational needs;

34 (11) To communicate with, and seek the advice of those concerned with and affected by

1 the board of education's and councils' determinations;

2 (12) To implement broad policy as it pertains to the goals and objectives established by
3 the board of education; to promote better coordination between public higher education in the
4 state, independent higher education in the state, and prekindergarten through grade 12 (pre K-12)
5 education in the state;

6 (13) To be responsible, upon direction of the board of education, for the allocation of
7 appropriations, and the acquisition, holding, and disposition of property;

8 (14) To be responsible for the coordination of the various educational functions of the
9 state, so that maximum efficiency and economy can be achieved;

10 (15) To recommend to the council on postsecondary education, after consultation with
11 the presidents, a clear and definitive mission for each public institution of higher learning;

12 (16) To annually recommend to the council on postsecondary education, after
13 consultation with the presidents, the creation, abolition, retention, or consolidation of
14 departments, divisions, programs, and courses of study within the public colleges and universities
15 to eliminate unnecessary duplication in public higher education, to address the future needs of
16 public higher education in the state, and to advance proposals recommended by the presidents of
17 the public colleges and universities pursuant to §§ 16-32-2.1, 16-33-2.1 and 16-33.1-2.1;

18 (17) To perform the duties vested in the council with relation to independent higher
19 educational institutions within the state under the terms of chapter 40 of this title and any other
20 laws that affect independent higher education in the state;

21 (18) To be responsible for the administration of policies, rules, and regulations of the
22 board of education with relation to the entire field of education within the state, not specifically
23 granted to any other department, board, or agency and not incompatible with law;

24 (19) To prepare standard accounting procedures for public higher education and all public
25 colleges and universities;

26 (20) To carry out the policies and directives of the board of education and the council on
27 postsecondary education through utilization of the resources of the public institutions of higher
28 learning;

29 (21) To enter into interstate reciprocity agreements regarding the provision of
30 postsecondary distance education; to administer such agreements; to approve or disapprove
31 applications to voluntarily participate in such agreements from postsecondary institutions that
32 have their principal place of business in Rhode Island; and to establish annual fees, with the
33 approval of the council on postsecondary education, for aforesaid applications to participate in an
34 interstate postsecondary distance education reciprocity agreement;

1 (22) To the extent necessary for participation, and to the extent required and stated in any
2 distance learning reciprocity agreement, to implement procedures to address complaints received
3 from out-of-state students in connection with, or related to, any Rhode Island postsecondary
4 institution, public or private, that has been approved to participate in said reciprocity agreement;

5 (23) To exercise all powers and duties of the division of higher education assistance as
6 set forth under the terms of chapter 57 of this title;

7 (24) All functions formerly administered by the office of the commissioner of
8 postsecondary education are hereby transferred to the executive office of the secretary of
9 education; and

10 (25) Any powers or responsibilities vested in the commissioner of postsecondary
11 education pursuant to law are hereby vested in the secretary of education as of January 1, 2020.

12 (b) The secretary may, subject to appropriation, employ such personnel, contract for such
13 consulting services, and expend such sums as may be required to carry out the duties and
14 responsibilities lawfully conferred upon the secretary.

15 SECTION 2. Section 42-6-3 of the General Laws in Chapter 42-6 entitled "Departments
16 of State Government" is hereby amended to read as follows:

17 **42-6-3. Appointment of directors.**

18 (a) At the January session following his or her election to office, the governor shall
19 appoint a director of administration, a director of revenue, a director of public safety, a director of
20 human services, a director of behavioral healthcare, developmental disabilities and hospitals, a
21 director of transportation, a director of business regulation, a director of labor and training, a
22 director of environmental management, a director for children, youth and families, a director of
23 elderly affairs, secretary of commerce, secretary of health and human services, secretary of
24 education, and a director of corrections. The governor shall, in all cases of appointment of a
25 director while the senate is in session, notify the senate of his or her appointment and the senate
26 shall, within sixty (60) legislative days after receipt of the notice, act upon the appointment. If the
27 senate shall, within sixty (60) legislative days, vote to disapprove the appointment it shall so
28 notify the governor, who shall forthwith appoint and notify the senate of the appointment of a
29 different person as director and so on in like manner until the senate shall fail to so vote
30 disapproval of the governor's appointment. If the senate shall fail, for sixty (60) legislative days
31 next after notice, to act upon any appointment of which it has been notified by the governor, the
32 person so appointed shall be the director. The governor may withdraw any appointment of which
33 he or she has given notice to the senate, at any time within sixty (60) legislative days thereafter
34 and before action has been taken thereon by the senate.

1 (b) Except as expressly provided in § 42-6-9, no director of any department shall be
2 appointed or employed pursuant to any contract of employment for a period of time greater than
3 the remainder of the governor's current term of office. Any contract entered into in violation of
4 this section after July 1, 1994 is hereby declared null and void.

5 SECTION 3. This act shall take effect on January 1, 2020.

=====
LC002608
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

1 This act would establish the executive position of the secretary of education, and would
2 set out the powers and duties of the secretary.

3 This act would take effect on January 1, 2020.

=====
LC002608
=====