

2011 -- H 6007

LC02295

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Walsh, Kennedy, and Valencia

Date Introduced: March 30, 2011

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-5.1 and 16-2-9 of the General Laws in Chapter 16-2 entitled  
2 "School Committees and Superintendents" are hereby amended to read as follows:

3 **16-2-5.1. Professional development.** -- (a) The Rhode Island College in cooperation  
4 with the Rhode Island association of school committees shall develop a professional development  
5 educational program for Rhode Island school committees, that will include instruction in labor  
6 and labor relations, negotiating collective bargaining agreements, employee contract analysis,  
7 school finance, school law; duties and responsibilities of the committee, duties and  
8 responsibilities of the superintendent, ethics, the requirements of the open meetings law, student  
9 achievement, strategic planning, educational standards, student assessment, school accountability,  
10 data interpretation and analysis, collaboration building, advocacy, annual performance evaluation  
11 of the school superintendent and the local school committee, and any other topics as the Rhode  
12 Island association of school committees may deem to be necessary.

13 (b) In conformity with section 16-60-4(15), the board of regents for elementary and  
14 secondary education shall approve the professional development program and create a process for  
15 recognizing school committee members that successfully complete the program in part or in  
16 whole. [Provided, participation in said professional development shall be on a voluntary basis.](#)

17 **16-2-9. General powers and duties of school committees.** -- (a) The entire care,  
18 control, and management of all public school interests of the several cities and towns shall be  
19 vested in the school committees of the several cities and towns. School committees shall have, in

1 addition to those enumerated in this title, the following powers and duties:

2 (1) To identify educational needs in the community.

3 (2) To develop education policies to meet the needs of the community.

4 (3) To provide for and assure the implementation of federal and state laws, the  
5 regulations of the board of regents for elementary and secondary education, and of local school  
6 policies, programs, and directives.

7 (4) To provide for the evaluation of the performance of the school system.

8 (5) To have responsibility for the care and control of local schools.

9 (6) To have overall policy responsibility for the employment and discipline of school  
10 department personnel.

11 (7) To approve a master plan defining goals and objectives of the school system. These  
12 goals and objectives shall be expressed in terms of what men and women should know and be  
13 able to do as a result of their educational experience. The committee shall periodically evaluate  
14 the efforts and results of education in light of these objectives.

15 (8) To provide for the location, care, control, and management of school facilities and  
16 equipment.

17 (9) To adopt a school budget to submit to the local appropriating authority.

18 (10) To adopt any changes in the school budget during the course of the school year.

19 (11) To approve expenditures in the absence of a budget, consistent with state law.

20 (12) To employ a superintendent of schools and assign any compensation and other  
21 terms and conditions as the school committee and superintendent shall agree, provided that in no  
22 event shall the term of employment of the superintendent exceed three (3) years. Nothing  
23 contained in this chapter shall be construed as invalidating or impairing a contract of a school  
24 committee with a school superintendent in force on May 12, 1978.

25 (13) To give advice and consent on the appointment by the superintendent of all school  
26 department personnel.

27 (14) To establish minimum standards for personnel, to adopt personnel policies, and to  
28 approve a table of organization.

29 (15) To establish standards for the evaluation of personnel.

30 (16) To establish standards for conduct in the schools and for disciplinary actions.

31 (17) To hear appeals from disciplinary actions.

32 (18) To enter into contracts.

33 (19) To publish policy manuals which shall include all school committee policies.

34 (20) To establish policies governing curriculum, courses of instruction, and text books.

1 (21) To provide for transportation services which meet or exceed standards of the board  
2 of regents for elementary and secondary education.

3 (22) To make any reports to the department of education as are required by the board of  
4 regents for elementary and secondary education.

5 (23) To delegate, consistent with law, any responsibilities to the superintendent as the  
6 committee may deem appropriate.

7 (24) To address the health and wellness of students and employees.

8 (25) To establish a subcommittee of the school board or committee to decrease obesity  
9 and address school health and wellness policies for students and employees consistent with  
10 section 16-21-28.

11 (26) ~~To annually undertake a minimum of six (6) hours of~~ School committee members  
12 may also participate in professional development as set forth and described in section 16-2-5.1,  
13 but such participation shall not be mandatory or a requirement of serving as a member of a school  
14 committee.

15 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers  
16 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or  
17 to allow any school committee to abrogate any agreement reached by collective bargaining.

18 (c) The school committees of each city, town, or regional school district shall have the  
19 power to bind their successors and successor committees by entering into contracts of  
20 employment in the exercise of their governmental functions.

21 (d) Notwithstanding any provisions of the general laws to the contrary, the requirement  
22 defined in subsections (d) through (f) of this section shall apply. The school committee of each  
23 school district shall be responsible for maintaining a school budget which does not result in a  
24 debt.

25 (e) The school committee shall, within thirty (30) days after the close of the first and  
26 second quarters of the state's fiscal year, adopt a budget as may be necessary to enable it to  
27 operate without incurring a debt, as described in subsection (d).

28 (f) In the event that any obligation, encumbrance, or expenditure by a superintendent of  
29 schools or a school committee is in excess of the amount budgeted or that any revenue is less than  
30 the amount budgeted, the school committee shall within five (5) working days of its discovery of  
31 potential or actual over expenditure or revenue deficiency submit a written statement of the  
32 amount of and cause for the over obligation or over expenditure or revenue deficiency to the city  
33 or town council president and any other person who by local charter or statute serves as the city  
34 or town's executive officer; the statement shall further include a statement of the school

1 committee's plan for corrective actions necessary to meet the requirements of subsection (d). The  
2 plan shall be approved by the auditor general.

3 (g) Notwithstanding any other provision of law, whether of general or specific  
4 application, and notwithstanding any contrary provision of any city or town charter or ordinance,  
5 the elected school committee of any city, town and regional school district shall be, and is hereby  
6 authorized to retain the services of such independent legal counsel as it may deem necessary and  
7 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the  
8 school committee, and in no event shall the independent counsel be deemed to be an employee of  
9 the pertinent city or town for any purpose.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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1           This act would make participation in professional development by school committee  
2 members a voluntary activity, and would remove the current mandate requiring six (6) hours  
3 annually of professional development by school committee members.

4           This act would take effect upon passage.

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