

2021 -- H 5079

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION -- FUNDRAISING FOR PUBLIC SCHOOLS

Introduced By: Representative Joseph M. McNamara

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-9 of the General Laws in Chapter 16-2 entitled "School  
2 Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education  
3 Act]" is hereby amended to read as follows:

4 **16-2-9. General powers and duties of school committees.**

5 (a) Unless the responsibility is otherwise delegated by this chapter, the entire care, control,  
6 and management of all public school interests of the several cities and towns shall be vested in the  
7 school committees of the several cities and towns. School committees shall have, in addition to  
8 those enumerated in this title, the following powers and duties:

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

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

11 (3) To provide for and ensure the implementation of federal and state laws, the regulations  
12 of the council on elementary and secondary education, and local school policies, programs, and  
13 directives.

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

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

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

18 (7) To approve a master plan defining goals and objectives of the school system. These  
19 goals and objectives shall be expressed in terms of what men and women should know and be able

1 to do as a result of their educational experience. The committee shall periodically evaluate the  
2 efforts and results of education in light of these objectives.

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

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

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

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

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

13 (13) [Deleted by P.L. 2019, ch. 224, § 2 and P.L. 2019, ch. 259, § 2].

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

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

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

18 (17) To hear appeals from disciplinary actions.

19 (18) To enter into contracts; provided, however, that notwithstanding any other provision  
20 of the general or public laws, whether of specific or general application, and notwithstanding the  
21 provisions of any charter of any municipality where the school committee is appointed and not  
22 elected, but not including, the Central Falls school district board of trustees established by § 16-2-  
23 34, the power and duty to enter into collective bargaining agreements shall be vested in the chief  
24 executive officer of the municipality and not in the school committee.

25 (19) To publish policy manuals that shall include all school committee policies.

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

27 (21) To provide for transportation services that meet or exceed standards of the council on  
28 elementary and secondary education.

29 (22) To make any reports to the department of education as are required by the council on  
30 elementary and secondary education.

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

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

34 (25) To establish a subcommittee of the school board or committee to decrease obesity and

1 address school health and wellness policies for students and employees consistent with § 16-21-28.

2 (26) To annually undertake a minimum of six (6) hours of professional development as set  
3 forth and described in § 16-2-5.1.

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

7 (c) The elected school committees of each city, town, or regional school district, or the  
8 chief executive officer of any municipality having an appointed school committee, shall have the  
9 power to bind their successors and successor committees by entering into contracts of employment  
10 in the exercise of their governmental functions.

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

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

17 (f) In the event that any obligation, encumbrance, or expenditure by a superintendent of  
18 schools or a school committee is in excess of the amount budgeted or that any revenue is less than  
19 the amount budgeted, the school committee shall within five (5) working days of its discovery of  
20 potential or actual over expenditure or revenue deficiency submit a written statement of the amount  
21 of and cause for the over obligation or over expenditure or revenue deficiency to the city or town  
22 council president and any other person who by local charter or statute serves as the city or town's  
23 executive officer; the statement shall further include a statement of the school committee's plan for  
24 corrective actions necessary to meet the requirements of subsection (d). The plan shall be approved  
25 by the auditor general and also submitted to the division of municipal finance.

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

33 (h) School committees shall have discretion to disburse funds to schools to close any  
34 deficits that may remain after efforts to raise funds or accept donations for field trips have

1 [concluded, provided that the school committee or board for the district expressly approves the use](#)  
2 [and amount of the school resources for the trip by an affirmative vote in open session.](#)

3 SECTION 2. Section 16-38-6 of the General Laws in Chapter 16-38 entitled "Offenses  
4 Pertaining to Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is  
5 hereby amended to read as follows:

6 **16-38-6. Restrictions on commercial activity and fundraising in public schools.**

7 (a) [Except as provided otherwise in subsection \(e\) of this section, no](#) ~~No~~ public school  
8 official or public school employee shall, for any purpose, solicit or exact from any pupil in any  
9 public school any contribution or gift of money or any article of value, or any pledge to contribute  
10 any money or article of value. No public school teacher shall accept payment for tutoring directly  
11 from the parents of a student under his or her instruction. If a teacher is to be assigned and  
12 compensated as a tutor for a student under his or her instruction, the assignment and compensation  
13 must be through the school department pursuant to policies and procedures adopted by the school  
14 committee. Nothing in this section shall be interpreted to prohibit a teacher from tutoring a student  
15 who is not concurrently under his or her instruction in the public school and receiving compensation  
16 for the tutoring from the parents of the student.

17 (b) No commercial goods or services shall be sold to students in the public schools or on  
18 public school property, nor shall any commercial materials (flyers, literature, advertisements,  
19 commercial materials, or solicitations) be sent home with students from the public school, except  
20 as authorized pursuant to policies and procedures adopted by the local school committee, which  
21 shall, at a minimum, address the following:

22 (1) The conduct and financial accountability of public school employees and public school  
23 officials engaged in commercial activities for the benefit of public schools;

24 (2) The use of schoolchildren to deliver commercial materials to parents.

25 (c) Any approved fundraising activity shall be conducted on a voluntary basis and in  
26 accordance with rules and regulations promulgated by the school committee, which shall at a  
27 minimum, address the following:

28 (1) The conduct and financial accountability of public school employees and public school  
29 officials engaged in fundraising activities for the benefit of public schools;

30 (2) The specific circumstances, if any, for door to door solicitations and door to door sales  
31 by public school students for fundraising;

32 (3) The use of schoolchildren to deliver fundraising materials to parents.

33 (d) The commissioner of elementary and secondary education shall provide technical  
34 assistance to assist the school committees of the several towns and cities in the formulation of the

1 local policies and procedures mandated by this section.

2 (e) The provisions of this section shall not prohibit a school district from requesting or  
3 accepting a donation from a student or the student's parent or legal guardian, in whole or in part,  
4 for the cost of district-sponsored field trips, provided that the district shall pay for the costs to attend  
5 and participate in these field trips by meeting any deficit that may remain after efforts to raise funds  
6 or accept donations have concluded; and provided further that all requests for donations include a  
7 written statement that all donations are voluntary, and no student will be denied participation or  
8 attendance for failure to donate. No students shall be individually identified in regard to these  
9 donations. The provisions of this section shall not prohibit a school district from establishing a  
10 minimum goal for fundraising and to receive donations as a prerequisite to determining whether  
11 the district shall undertake or participate in a field trip; provided, establishing minimum goals for  
12 fundraising and to receive donations as a prerequisite for determining whether to undertake or  
13 participate in a field trip shall not be utilized for any field trip that is part of the state's basic  
14 education program, commonly referred to as the "BEP".

15 SECTION 3. 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 -- FUNDRAISING FOR PUBLIC SCHOOLS

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1           This act would allow a school district to request or accept a donation from a student or the  
2 student's parent or legal guardian, in whole or in part, for the cost of district-sponsored field trips,  
3 provided that the district would pay the costs to meet any deficit that may remain after efforts to  
4 raise funds have concluded.

5           This act would take effect upon passage.

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