

**2021 -- H 5079 SUBSTITUTE A**

LC000152/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

A N A C T

RELATING TO EDUCATION -- FUNDRAISING FOR PUBLIC SCHOOLS

Introduced By: Representatives McNamara, Noret, Casimiro, and Barros

Date Introduced: January 22, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-38-6 of the General Laws in Chapter 16-38 entitled "Offenses  
2 Pertaining to Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is  
3 hereby amended to read as follows:

4 **16-38-6. Restrictions on commercial activity and fundraising in public schools.**

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

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

19 (1) The conduct and financial accountability of public school employees and public school

1 officials engaged in commercial activities for the benefit of public schools;

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

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

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

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

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

11 (d) When creating a school budget pursuant to § 16-2-9(a)(9), school committees may  
12 budget funds for field trips, provided that:

13 (1) The field trips meet Rhode Island's basic education program regulations; and

14 (2) All students have the same ability to attend the field trips.

15 (e) To supplement budgeted funds, fundraising for field trips is permissible, provided that:

16 (1) The fundraising activity complies with subsection (c) of this section;

17 (2) Students are not required to meet individual fundraising targets as a condition of  
18 attendance on the trip; and

19 (3) Parents or guardians be allowed to donate toward the cost of the trip.

20 ~~(f)~~ (f) The commissioner of elementary and secondary education shall provide technical  
21 assistance to assist the school committees of the several towns and cities in the formulation of the  
22 local policies and procedures mandated by this section.

23 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 -- FUNDRAISING FOR PUBLIC SCHOOLS

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1           This act would allow school committees to budget funds for field trips when creating a  
2 school budget.

3           This act would take effect upon passage.

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