

2011 -- H 5397

LC00546

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION - SCHOOL BUDGETS

Introduced By: Representatives Morgan, Watson, Brien, Ucci, and Chippendale

Date Introduced: February 16, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-21.4 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby repealed.

3 ~~16-2-21.4. School budgets -- Compliance with certain requirements. -- (a)~~
4 ~~Notwithstanding any provision of the general or public laws to the contrary, whenever a city,~~
5 ~~town, or regional school committee determines that its budget is insufficient to comply with the~~
6 ~~provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee~~
7 ~~shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an~~
8 ~~appropriated budget. The chairperson of the city, town, or regional school committee, in~~
9 ~~accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,~~
10 ~~in writing, to seek alternatives for the district to comply with state regulations and/or provide~~
11 ~~waivers to state regulations and, in particular, those which are more restrictive than federal~~
12 ~~regulations that allow the school committee to operate with a balanced budget. Waivers which~~
13 ~~affect the health and safety of students and staff or which violate the provisions of chapter 24 of~~
14 ~~this title shall not be granted. The commissioner must consider alternatives for districts to comply~~
15 ~~with regulations and/or provide waivers to regulations in order that the school committee may~~
16 ~~operate with a balanced budget within the previously authorized appropriation. In the petition to~~
17 ~~the commissioner, the school committee shall be required to identify the alternatives to meet~~
18 ~~regulations and/or identify the waivers it seeks in order to provide the commissioner with the~~
19 ~~revised budget which allows it to have a balanced budget within the previously authorized~~

1 ~~appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of~~
2 ~~the written petition from the school committee. If the commissioner does not approve of the~~
3 ~~alternatives to meet regulations or the waivers from regulations which are sought by the school~~
4 ~~committee, or if the commissioner does not approve of the modified expenditure plan submitted~~
5 ~~by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,~~
6 ~~the school committee may submit a written request to the city or town council for the council of~~
7 ~~the municipality to decide whether to increase the appropriation for schools to meet expenditures.~~
8 ~~The decision to increase any appropriations shall be conducted pursuant to the local charter or the~~
9 ~~public law controlling the approval of appropriations within the municipality; or (2) in a regional~~
10 ~~school district, the chairperson of the school committee may, within ten (10) days of receiving the~~
11 ~~commissioner's response, submit a written request to the chief elected official of each of the~~
12 ~~municipalities to request that the city or town council in each of their respective towns meet to~~
13 ~~decide whether or not to increase the appropriation for schools to meet expenditures. The decision~~
14 ~~to increase any appropriations shall be conducted pursuant to the local charter or the public law~~
15 ~~controlling the approval of appropriations within the municipality.~~

16 ~~(b) In the event of a negative vote by the appropriating authority, the school committee~~
17 ~~shall have the right to seek additional appropriations by bringing an action in the superior court~~
18 ~~for the county of Providence and shall be required to demonstrate that the school committee lacks~~
19 ~~the ability to adequately run the schools for that school year with a balanced budget within the~~
20 ~~previously authorized appropriation or in accordance with sections 16-2-21, 16-2-23, 16-7-23,~~
21 ~~and 16-7-24. In no event shall any court order obtained by the school committee have force and~~
22 ~~effect for any period longer than the fiscal year for which the litigation is brought. Any action~~
23 ~~filed pursuant to this section shall be set down for a hearing at the earliest possible time and shall~~
24 ~~be given precedence over all matters except older matters of the same character. The court shall~~
25 ~~render its decision within thirty (30) days of the close of the hearings. Upon the bringing of an~~
26 ~~action in the superior court by the school committee to increase appropriations, the chief~~
27 ~~executive officer of the municipality, or in the case of a regional school district the chief elected~~
28 ~~officials from each of the member municipalities, shall cause to have a financial and performance~~
29 ~~audit in compliance with the generally acceptable governmental auditing standards of the school~~
30 ~~department conducted by the auditor general, the bureau of audits, or a certified public accounting~~
31 ~~firm qualified in performance audits. The results of the audit shall be made public upon~~
32 ~~completion and paid for by the school committee to the state or private certified public~~
33 ~~accounting firm.~~

34 ~~(c) The auditor general shall select the auditor if the audit is not directly performed by~~

1 ~~his or her office.~~

2 SECTION 2. This act shall take effect upon passage and shall apply to all petitions in
3 process at the time of its passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - SCHOOL BUDGETS

- 1 This act would repeal the "Caruolo Act", so-called, pertaining to school budgets.
- 2 This act would take effect upon passage and would apply to all petitions in process at the
- 3 time of its passage.

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