

**2020 -- H 7069 SUBSTITUTE A**

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LC003008/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2020**

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A N A C T

RELATING TO EDUCATION

Introduced By: Representatives McNamara, Caldwell, Noret, Ackerman, and Lyle

Date Introduced: January 10, 2020

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  
3 Education Act]" is hereby amended to read as follows:

4           **16-2-9. General powers and duties of school committees. [Effective January 1, 2020.]**

5           (a) Unless the responsibility is otherwise delegated by this chapter, the entire care,  
6 control, and management of all public school interests of the several cities and towns shall be  
7 vested in the school committees of the several cities and towns. School committees shall have, in  
8 addition to 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  
12 regulations of the council on elementary and secondary education, and local school policies,  
13 programs, and 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

1 able to do as a result of their educational experience. The committee shall periodically evaluate  
2 the 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  
12 a 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  
28 on 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

1 and address school health and wellness policies for students and employees consistent with § 16-  
2 21-28.

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

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

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

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

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

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

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

1           (h) School districts may use school resources for trips that do not meet the state's basic  
2 education program, provided that the school committee or board for the district expressly  
3 approves the use and amount of the school resources for the trip by an affirmative vote in open  
4 session.

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

8           **16-38-6. Restrictions on commercial activity and fundraising in public schools.**

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

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

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

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

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

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

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

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

1           (d) The commissioner of elementary and secondary education shall provide technical  
2 assistance to assist the school committees of the several towns and cities in the formulation of the  
3 local policies and procedures mandated by this section.

4           (e) The provisions of this section shall not prohibit a school district from requesting a  
5 contribution of money from a student or the student's parent or legal guardian to make a donation,  
6 in whole or in part, for the cost of district-sponsored field trips, dances, clubs, and other district  
7 sponsored or based programs of extracurricular activities ("activities"), provided that the district  
8 shall pay for the costs to attend and participate in these activities to meet any deficit and provided  
9 further that all requests for contributions include a written statement that all contributions are  
10 voluntary, and no student will be denied participation or attendance for failure to contribute. No  
11 students shall be individually identified in regard to these contributions. The provisions of this  
12 section shall not prohibit a school district from establishing a minimum goal for fundraising and  
13 to receive contributions or gifts of money as a prerequisite to determining whether the district  
14 shall undertake or participate in an activity; provided, establishing minimum goals for fundraising  
15 and to receive contributions or gifts of money as a prerequisite for determining whether to  
16 undertake or participate in an activity shall not be utilized for any activity that is part of the state's  
17 basic education program, commonly referred to as the "BEP".

18           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

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1           This act would allow a school district to request a voluntary contribution of money from  
2 a student or the student's parent or legal guardian to make a donation, in whole or in part, for the  
3 cost of district-sponsored field trips, dances, clubs, and other district sponsored or based programs  
4 of extra-curricular activities, provided that the district would pay the costs to meet any deficit.

5           This act would take effect upon passage.

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