

2018 -- H 7271

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO EDUCATION -- COUNCIL ON ELEMENTARY AND SECONDARY  
EDUCATION

Introduced By: Representatives Edwards, O`Grady, Fellela, Messier, and Diaz

Date Introduced: January 24, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-60-4 of the General Laws in Chapter 16-60 entitled "Council on  
2 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of  
3 Education Act]" is hereby amended to read as follows:

4 **16-60-4. Council on elementary and secondary education -- Powers and duties.**

5 (a) The council on elementary and secondary education shall have in addition to those  
6 enumerated in § 16-60-1, the following powers and duties:

7 (1) To approve a systematic program of information gathering, processing, and analysis  
8 addressed to every aspect of elementary and secondary education in this state especially as that  
9 information relates to current and future educational needs so that current needs may be met with  
10 reasonable promptness and plans formulated to meet future needs as they arise in the most  
11 efficient and economical manner possible;

12 (2) To approve a master plan implementing the broad goals and objectives for elementary  
13 and secondary education in the state that have been established by the board of education. These  
14 goals and objectives shall be expressed in terms of what men and women should know and be  
15 able to do as a result of their educational experience. The council on elementary and secondary  
16 education shall continually evaluate the efforts and results of education in the light of these  
17 objectives;

18 (3) To adopt standards and require enforcement and to exercise general supervision over

1 all elementary and secondary public and nonpublic education in the state as provided in  
2 subsection (a)(8) of this section. The council on elementary and secondary education shall not  
3 engage in the operation or administration of any subordinate committee, local school district,  
4 school, school service, or school program, except its own department of elementary and  
5 secondary education, and except as specifically authorized by an act of the general assembly. The  
6 adoption and submittal of the budget and the allocation of appropriations, the acquisition,  
7 holding, disposition, and general management of property shall not be construed to come within  
8 the purview of the preceding prohibition. The council on elementary and secondary education  
9 shall communicate with, and seek the advice of, the commissioner of elementary and secondary  
10 education and all those concerned with and affected by its determinations as a regular procedure  
11 in arriving at its conclusions and in setting its policy;

12 (4) To allocate and coordinate the various educational functions among the educational  
13 agencies of the state and local school districts and to promote cooperation among them so that  
14 maximum efficiency and economy shall be achieved;

15 (5) (i) To prepare, with the assistance of the commissioner of elementary and secondary  
16 education, and to present annually to the state budget officer, in accordance with § 35-3-4, a total  
17 educational budget for the elementary and secondary sector that shall include, but not be limited  
18 to, the budgets of the department of elementary and secondary education, subordinate boards and  
19 agencies, and state aid to local school districts. Prior to submitting the budget as required by the  
20 budget office instructions and this subsection, the council shall present the budget to the board of  
21 education for review and approval; and

22 (ii) In the preparation of the budget, the council on elementary and secondary education  
23 shall implement the priorities established by the board of education of expenditures for  
24 elementary and secondary education purposes of state revenues and other public resources made  
25 available for the support of public elementary and secondary education among the various  
26 education agencies of the state. Nothing contained in this section shall authorize any individual or  
27 group of individuals to reallocate resources in a manner other than that prescribed in the budget as  
28 appropriations by the general assembly.

29 (6) To maintain a department of elementary and secondary education, to provide for its  
30 staffing and organization, and to appoint a commissioner of elementary and secondary education  
31 pursuant to § 16-60-6 who shall serve at its pleasure. The commissioner of elementary and  
32 secondary education and the department of elementary and secondary education shall have any  
33 duties and responsibilities as defined in §§ 16-60-6 and 16-60-7;

34 (7) To establish other educational agencies or subcommittees necessary or desirable for

1 the conduct of any or all aspects of elementary and secondary education and to determine all  
2 powers, functions, and composition of any agencies or subcommittees and to dissolve them when  
3 their purpose shall have been fulfilled; provided that nothing contained in this subdivision shall  
4 be construed to grant the council the power to establish subcommittees or agencies performing  
5 the duties and functions of local school committees except as provided in § 16-1-10;

6 (8) To exercise the authority previously vested in the board of regents for education with  
7 relation to secondary nonpublic educational institutions within the state under the terms of  
8 chapter 40 of this title and other laws affecting nonpublic education in the state, and to cause the  
9 department of elementary and secondary education to administer the provisions of that section;

10 (9) To exercise all the functions, powers and duties that previously were vested in the  
11 board of regents for education, under the provisions of former § 16-49-4(9), including but not  
12 limited to the following specific functions:

13 (i) To approve the basic subjects and courses of study to be taught and instructional  
14 standards required to be maintained in the public elementary and secondary schools of the state;

15 (ii) To adopt standards and qualifications for the certification of teachers and to provide  
16 for the issuance of certificates, and to establish fees for the certification of teachers. The fees  
17 collected for the certification of teachers, along with various education licensing and testing fees,  
18 shall be deposited by the council on elementary and secondary education as general revenues.  
19 The funds appropriated by the general assembly shall be utilized by the department of elementary  
20 and secondary education to establish and support programs that enhance the quality and diversity  
21 of the teaching profession. The commissioner of elementary and secondary education shall  
22 regularly make recommendations to the board about specific programs and projects to be  
23 supported by those funds. The commissioner shall oversee the funds, assess the effectiveness of  
24 its programs and projects, and make recommendations about the general use and operation of the  
25 funds to the board;

26 (iii) To be responsible for the distribution of state school funds;

27 (iv) To determine the necessity of school construction and to approve standards for  
28 design and construction of school buildings throughout the state;

29 (v) To set standards for school libraries and school library services;

30 (vi) To make recommendations relative to transportation of pupils to school, school bus  
31 routes, time schedules, and other matters relating to pupil transportation;

32 (vii) To enforce the provisions of all laws relating to elementary and secondary  
33 education;

34 (viii) To decide and determine appeals from decisions of the commissioner;

- 1 (ix) To prescribe forms for the use of local school committees and local officers when  
2 reporting to the department of elementary and secondary education;
- 3 (x) To adopt and require standard accounting procedures for local school districts, except  
4 as provided for in subdivision (3) of § 16-24-2; and
- 5 (xi) To adopt and require standard uniform operating and capital budgeting procedures  
6 for local school districts.
- 7 (10) To establish rules for the approval and accrediting of elementary and secondary  
8 schools;
- 9 (11) To recommend to the general assembly changes in the size and number of the school  
10 districts within the state; and to make any further and other recommendations to the general  
11 assembly as the council on elementary and secondary education may determine to be necessary  
12 or desirable, including, but not limited to, proposals for incentives for the coordination of services  
13 and facilities of certain school districts and the feasibility of granting taxing authority to local  
14 school committees upon their request, and the impact upon the quality of education within that  
15 particular community by granting the request. In carrying out this duty, the council on elementary  
16 and secondary education shall periodically issue reports in school district organizations for  
17 selected regions and school districts;
- 18 (12) To exercise all other powers with relation to the field of elementary and secondary  
19 education within this state not specifically granted to any other department, board, or agency, and  
20 not incompatible with law, which the council on elementary and secondary education may deem  
21 advisable;
- 22 (13) To exercise the authority previously vested in the board of regents for education with  
23 relation to adult education as defined in § 16-58-2 [repealed] and to establish definitive goals for  
24 and operate a comprehensive delivery system for adult education programs and services,  
25 including the counseling and testing of persons interested in obtaining high school equivalency  
26 diplomas, the issuance of diplomas, and the maintenance of a permanent record of applications,  
27 tests, and equivalency diplomas;
- 28 (14) To promote maximum efficiency and economy in the delivery of elementary and  
29 secondary educational services in the state;
- 30 (15) To approve a training program for school committee members to enhance their  
31 individual skills and their effectiveness as a corporate body. The training program should include,  
32 but not be limited to, the following roles and responsibilities of school committees: strategic  
33 planning, human and community relations, and school finance and budgeting;
- 34 (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an

1 annual report to the governor, the speaker of the house of representatives, and the president of the  
2 senate of its activities during that fiscal year. The report shall provide: an operating statement  
3 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or  
4 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,  
5 and programs administered or initiated; a consolidated financial statement of all funds received  
6 and expended including the source of the funds, a listing of any staff supported by these funds,  
7 and a summary of any clerical, administrative or technical support received; a summary of  
8 performance during the previous fiscal year including accomplishments, shortcomings and  
9 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the  
10 authority of the council; a briefing on anticipated activities in the upcoming fiscal year; and  
11 findings and recommendations for improvements. The director of the department of  
12 administration shall be responsible for the enforcement of the provisions of this subsection;

13 (17) To prepare with the assistance of the commissioner a multi-year plan of priority  
14 educational goals and objectives. This plan should recommend policy objectives, implementation  
15 strategies, and a timetable for major policy initiatives;

16 (18) Each year the governor shall by writing notify the council on elementary and  
17 secondary education concerning broad economic, cultural, and social needs that the education  
18 system needs to consider which the council shall address in developing educational plans and  
19 programs;

20 (19) Appoint a standing committee that will develop a schedule to systematically review  
21 all council policies over a three-year (3) period;

22 (20) To prepare, with the assistance of the commissioner, a statement of regulatory  
23 policy. This policy should set forth the goals and objectives of state regulations which are  
24 expressed in terms of what educational inputs and outputs the board expects regulations to  
25 address;

26 (21) (i) To prepare, with the assistance of the commissioner of elementary and secondary  
27 education, and to present annually to the general assembly by January 1 a report on school  
28 discipline in Rhode Island schools. This report shall include:

- 29 (A) Expulsions by district, including duration and the reason for each action;
- 30 (B) Suspensions by district, including duration and the reason for each action;
- 31 (C) Placements to alternative programs for disciplinary reasons;
- 32 (D) Assaults of teachers, students, and school staff by students;
- 33 (E) Incidents involving possession of weapons on school property. For the purpose of this  
34 section, a weapon shall be considered any of those weapons described in §§ 11-47-2 and 11-47-

1 42;

2 (F) Incidents of the sale of controlled substances by students;

3 (G) Incidents of the possession with the intent to sell controlled substances by students;

4 (H) Additional demographic information including, but not limited to, the ethnic and  
5 racial classifications, age, and gender, as prescribed by the commissioner, of each of the students  
6 involved in the incidents, events or actions described in subparagraphs (A) through (G) of this  
7 subdivision; and

8 (I) A description of the education program provided to each student suspended for over  
9 ten (10) consecutive school days in a school year.

10 (ii) All school superintendents shall supply the necessary information on forms  
11 established by the commissioner of elementary and secondary education to the council on  
12 elementary and secondary education to assist in the preparation of the council's report on school  
13 discipline.

14 (22) To prepare and promulgate a uniform statewide school reporting system which  
15 would provide information including, but not limited to, the following:

16 (i) Student and teacher attendance rates;

17 (ii) Standardized test scores;

18 (iii) Demographic profiles;

19 (iv) Results of polls of students, parents, and teachers;

20 (v) Descriptions of goals, initiatives, and achievements;

21 (vi) Best teaching practices;

22 (vii) Alternative student assessments;

23 (viii) Special programs; and

24 (ix) Number of student suspensions and teacher grievances and the amount of parental  
25 involvement.

26 (23) [Deleted by P.L. 2014, ch. 145, art. 20, § 7].

27 (24) The council on elementary and secondary education, may grant a variance to any  
28 provision of title 16 other than those provisions enumerated in § 16-60-4.2 and to any department  
29 of education regulation and to any school district regulation which does not affect the health and  
30 safety or civil rights of pupils in a public school.

31 (b) The council shall identify the benefit to students regarding the action that is taken in  
32 executing its duties.

33 SECTION 2. Chapter 16-60 of the General Laws entitled "Council on Elementary and  
34 Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is

1 hereby amended by adding thereto the following section:

2 **16-60-40. Portions of title 16 applicability to public schools.**

3 The following provisions of this title shall be binding on public schools and may not be  
4 waived by the council on elementary and secondary education under § 16-60-4:

5 (1) § 16-2-2 (minimum length of school year);

6 (2) § 16-2-17 (right to a safe school);

7 (3) § 16-8-10 (federal funds for school lunch);

8 (4) § 16-11-1 (certification of public school teachers);

9 (5) § 16-12-3 (duty to cultivate principles of morality);

10 (6) § 16-12-10 (immunity for report of suspected substance abuse);

11 (7) Chapter 13 of title 16 (teachers' tenure);

12 (8) Chapter 16 of title 16 (teachers' retirement);

13 (9) § 16-19-1 (compulsory attendance);

14 (10) § 16-20-1 (school holidays enumerated);

15 (11) §§ 16-21-3 and 16-21-4 (fire safety);

16 (12) §§ 16-21-10, 16-21-14, and 16-21-16 (health screenings);

17 (13) § 16-22-9 (uniform testing);

18 (14) § 16-24-2 (regulations of state board);

19 (15) § 16-38-1 (discrimination because of race or age);

20 (16) § 16-38-1.1 (discrimination because of sex);

21 (17) § 16-38-2 (immunizations);

22 (18) § 16-38-4 (exclusive club);

23 (19) § 16-38-6 (commercial activities prohibited);

24 (20) § 16-38-9 (misconduct of school officers);

25 (21) § 16-38-10 (power of officials to visit schools);

26 (22) § 16-39-1 (appeal of matters of dispute to commissioner);

27 (23) § 16-39-2 (appeal of school committee actions to commissioner);

28 (24) § 16-39-3 (appeal to state board);

29 (25) § 16-39-3.1 (enforcement of final decision);

30 (26) § 16-39-3.2 (interim protective orders);

31 (27) § 16-39-8 (subpoena power of commissioner);

32 (28) § 16-40-16 (student records);

33 (29) Chapter 71 of title 16 (educational record bill of rights act);

34 (30) § 16-21-21.1 (penalties for drug, alcohol or weapons offense); and

1 [\(31\) Chapter 21.5 of title 16 \(student interrogations\).](#)

2 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 -- COUNCIL ON ELEMENTARY AND SECONDARY  
EDUCATION

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1           This act would authorize the council on elementary and secondary education to grant  
2 variances to any provision of title 16 other than those provisions enumerated in § 16-60-4.2 and  
3 to any department of education and school district regulation not affecting the health and safety or  
4 civil rights of pupils in a public school.

5           This act would take effect upon passage.

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