

2010 -- H 7658

LC00405

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Kilmartin, and Serpa

Date Introduced: February 25, 2010

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-21 and 16-2-21.4 of the General Laws in Chapter 16-2
2 entitled "School Committees and Superintendents" are hereby amended to read as follows:

3 **16-2-21. Pre-budget consultation -- Annual reports -- Appropriation requests --**

4 **Budgets.** -- (a) At least sixty (60) days but not more than ninety (90) days prior to the formal
5 submission of the school budget to the appropriate city or town officials by the school committee,
6 there shall be a joint pre-budget meeting between the school committee and the city or town
7 council(s). At or before this meeting:

8 (1) The highest elected official of the city or town shall submit to the school committee
9 an estimate, prepared in a manner approved by the department of administration, of projected
10 revenues for the next fiscal year. In the case of the property tax, the projections shall include only
11 changes in the property tax base, not property tax rates;

12 (2) The school committee shall submit to the city or town council a statement for the
13 next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant
14 staff and facility requirements, and any necessary or mandated changes in school programs or
15 operations; and

16 (3) The school committee shall prepare and submit, annually, to the department of
17 elementary and secondary education, on or before the first day of August, a report in the manner
18 and form prescribed by the state board of regents for elementary and secondary education; the
19 committee shall also prepare not less than thirty (30) days before the date of the annual financial

1 town meeting, or the date of the meeting of the city council at which annual appropriations are
2 made, on forms prescribed and furnished by the department of elementary and secondary
3 education, the estimates and recommendations of the amounts necessary to be appropriated for
4 the support of public schools for the fiscal year ensuing; provided, that a copy of these estimates
5 and recommendations shall be sent to the department of elementary and secondary education, and
6 until the report is made, and if the estimates and recommendations are not presented to the
7 department, it may refuse to draw its orders for the money in the state treasury apportioned to the
8 city or town; provided, that the necessary blank for the report has been furnished by the
9 department on or before the first day of June, next preceding, and the necessary forms for the
10 estimates and recommendations shall have been furnished by the department not less than sixty
11 (60) days before the date of the annual appropriations meeting of the city council; the committee
12 shall also prepare and submit annually to the department of elementary and secondary education
13 and at the annual financial town meeting a report to the city or town, setting forth its doings, the
14 state and condition of the schools, and plans for their improvement, which report, unless printed,
15 shall be read in open meeting; and if printed, at least three (3) copies shall be transmitted to the
16 department on or before the day of the annual financial town meeting in each year.

17 (b) If the amount appropriated by the town meeting, the city or town council, or budget
18 referendum is either more or less than the amount recommended and requested by the school
19 committee, the school committee shall, within thirty (30) days after the appropriation is made,
20 amend its estimates and recommendations so that expenses are no greater than the total of all
21 revenue appropriated by the state or town or provided for public schools under the care, control,
22 and management of the school committee.

23 (c) Only a school budget in which total expenses are less than or equal to appropriations
24 and revenues shall be considered an adopted school budget.

25 (d) Notwithstanding any provision of the general or public laws to the contrary:

26 (i) the budget adopted and presented by any school committee for the fiscal year 2008
27 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in
28 excess of one hundred five and one-quarter percent (105.25%) of the total of municipal funds
29 appropriated by the city or town council for school purposes for fiscal year 2007;

30 (ii) the budget adopted and presented by any school committee for the fiscal year 2009
31 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in
32 excess of one hundred five percent (105%) of the total of municipal funds appropriated by the
33 city or town council for school purposes for fiscal year 2008;

34 (iii) the budget adopted and presented by any school committee for the fiscal year 2010

1 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in
2 excess of one hundred four and three-quarters percent (104.75%) of the total of municipal funds
3 appropriated by the city or town council for school purposes for fiscal year 2009;

4 (iv) the budget adopted and presented by any school committee for the fiscal year 2011
5 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in
6 excess of one hundred four and one-half percent (104.5%) of the total of municipal funds
7 appropriated by the city or town council for school purposes for fiscal year 2010;

8 (v) the budget adopted and presented by any school committee for the fiscal year 2012
9 shall not propose the appropriation of municipal funds (exclusive of state and federal aid) in
10 excess of one hundred four and one-quarter percent (104.25%) of the total of municipal funds
11 appropriated by the city or town council for school purposes for fiscal year 2011; and

12 (vi) the budget adopted and presented by any school committee for the fiscal year 2013
13 and for each fiscal year thereafter shall not propose the appropriation of municipal funds
14 (exclusive of state and federal aid) in excess of one hundred four percent (104%) of the total of
15 municipal funds appropriated by the city or town council for school purposes for fiscal year 2012.

16 ~~-(e) Notwithstanding any provision of the general or public laws to the contrary, any~~
17 ~~judgment rendered pursuant to subsection 16-2-21.4(b) shall consider the percentage caps on~~
18 ~~school district budgets set forth in subsection (d) of this section.~~

19 **16-2-21.4. School budgets -- Compliance with certain requirements. -- (a)**

20 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
21 town, or regional school committee determines that its budget is insufficient to comply with the
22 provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee
23 shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an
24 appropriated budget. The chairperson of the city, town, or regional school committee, in
25 accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,
26 in writing, to seek alternatives for the district to comply with state regulations and/or provide
27 waivers to state regulations and, in particular, those which are more restrictive than federal
28 regulations that allow the school committee to operate with a balanced budget. Waivers which
29 affect the health and safety of students and staff or which violate the provisions of chapter 24 of
30 this title shall not be granted. The commissioner must consider alternatives for districts to comply
31 with regulations and/or provide waivers to regulations in order that the school committee may
32 operate with a balanced budget within the previously authorized appropriation. In the petition to
33 the commissioner, the school committee shall be required to identify the alternatives to meet
34 regulations and/or identify the waivers it seeks in order to provide the commissioner with the

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

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

1 ~~-(e) The auditor general shall select the auditor if the audit is not directly performed by~~
2 ~~his or her office.~~

3 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 -- SCHOOL COMMITTEES AND SUPERINTENDENTS

1 This act would repeal those provisions of section 16-2-21.4 which permits a school
2 committee to seek additional appropriations by bringing an action in Superior Court seeking more
3 funding from the appropriating authority. This act would also delete a cross reference to these
4 deleted provisions and actions.

5 This act would take effect upon passage.

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