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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- COLLECTIVE BARGAINING

Introduced By: Representative Timothy A. Williamson

Date Introduced: April 13, 2010

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-5.1, 16-2-9, 16-2-9.1, 16-2-11 and 16-2-34 of the General
2 Laws in Chapter 16-2 entitled "School Committees and Superintendents" are hereby amended to
3 read as follows:

4 **16-2-5.1. Professional development.** -- (a) The Rhode Island College in cooperation
5 with the Rhode Island association of school committees shall develop a professional development
6 educational program for Rhode Island school committees, that will include instruction in labor
7 and labor relations, ~~negotiating collective bargaining agreements~~, employee contract analysis,
8 school finance, school law; duties and responsibilities of the committee, duties and
9 responsibilities of the superintendent, ethics, the requirements of the open meetings law, student
10 achievement, strategic planning, educational standards, student assessment, school accountability,
11 data interpretation and analysis, collaboration building, advocacy, annual performance evaluation
12 of the school superintendent and the local school committee, and any other topics as the Rhode
13 Island association of school committees may deem to be necessary.

14 (b) In conformity with section 16-60-4(15), the board of regents for elementary and
15 secondary education shall approve the professional development program and create a process for
16 recognizing school committee members that successfully complete the program in part or in
17 whole.

18 **16-2-9. General powers and duties of school committees.** -- (a) The entire care,
19 control, and management of all public school interests of the several cities and towns shall be

1 vested in the school committees of the several cities and towns. School committees shall have, in
2 addition to those enumerated in this title, the following powers and duties:

3 (1) To identify educational needs in the community.

4 (2) To develop education policies to meet the needs of the community.

5 (3) To provide for and assure the implementation of federal and state laws, the
6 regulations of the board of regents for elementary and secondary education, and of local school
7 policies, programs, and directives.

8 (4) To provide for the evaluation of the performance of the school system.

9 (5) To have responsibility for the care and control of local schools.

10 (6) To have overall policy responsibility for the employment and discipline of school
11 department personnel.

12 (7) To approve a master plan defining goals and objectives of the school system. These
13 goals and objectives shall be expressed in terms of what men and women should know and be
14 able to do as a result of their educational experience. The committee shall periodically evaluate
15 the efforts and results of education in light of these objectives.

16 (8) To provide for the location, care, control, and management of school facilities and
17 equipment.

18 (9) To adopt a school budget to submit to the local appropriating authority.

19 (10) To adopt any changes in the school budget during the course of the school year.

20 (11) To approve expenditures in the absence of a budget, consistent with state law.

21 (12) To employ a superintendent of schools and assign any compensation and other
22 terms and conditions as the school committee and superintendent shall agree, provided that in no
23 event shall the term of employment of the superintendent exceed three (3) years. Nothing
24 contained in this chapter shall be construed as invalidating or impairing a contract of a school
25 committee with a school superintendent in force on May 12, 1978.

26 (13) To give advice and consent on the appointment by the superintendent of all school
27 department personnel.

28 (14) To establish minimum standards for personnel, to adopt personnel policies, and to
29 approve a table of organization.

30 (15) To establish standards for the evaluation of personnel.

31 (16) To establish standards for conduct in the schools and for disciplinary actions.

32 (17) To hear appeals from disciplinary actions.

33 (18) To enter into contracts.

34 (19) To publish policy manuals which shall include all school committee policies.

1 (20) To establish policies governing curriculum, courses of instruction, and text books.

2 (21) To provide for transportation services which meet or exceed standards of the board
3 of regents for elementary and secondary education.

4 (22) To make any reports to the department of education as are required by the board of
5 regents for elementary and secondary education.

6 (23) To delegate, consistent with law, any responsibilities to the superintendent as the
7 committee may deem appropriate.

8 (24) To address the health and wellness of students and employees.

9 (25) To establish a subcommittee of the school board or committee to decrease obesity
10 and address school health and wellness policies for students and employees consistent with
11 section 16-21-28.

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

15 (c) The school committees of each city, town, or regional school district shall have the
16 power to bind their successors and successor committees by entering into contracts of
17 employment in the exercise of their governmental functions.

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

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

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

34 (g) Notwithstanding any other provision of law, whether of general or specific

1 application, and notwithstanding any contrary provision of any city or town charter or ordinance,
2 the elected school committee of any city, town and regional school district shall be, and is hereby
3 authorized to retain the services of such independent legal counsel as it may deem necessary and
4 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the
5 school committee, and in no event shall the independent counsel be deemed to be an employee of
6 the pertinent city or town for any purpose.

7 **16-2-9.1. Code of basic management principles and ethical school standards.** -- (a)

8 School committees shall adopt the following code of basic management principles and ethical
9 school standards:

10 The (District) does hereby establish a code of basic principles and ethical standards
11 for school committee members acting individually and collectively as boards of education in the
12 management of the public schools of (City or Town) .

13 The school committee in accepts the obligation to operate the public schools in
14 accordance with the fundamental principles and standards of school management, which
15 principles include but are not limited to the following:

16 (1) Formulate written policy for the administration of schools to be reviewed regularly
17 and revised as necessary.

18 (2) Exercise legislative, policy-making, planning and appraising functions and delegate
19 administrative functions in the operation of schools.

20 (3) Recognize their critical responsibility for selecting the superintendent, defining his or
21 her responsibilities, and evaluating his or her performance regularly without directly engaging in
22 administrative processes.

23 (4) Accept and encourage a variety of opinions from and communication with all parts of
24 the community.

25 (5) Make public relevant institutional information in order to promote communication
26 and understanding between the school system and the community.

27 (6) Act on legislative and policy-making matters only after examining pertinent facts and
28 considering the superintendent's recommendations.

29 (7) Conduct meetings with planned and published agendas.

30 (8) Encourage and promote professional growth of school staff so that quality of
31 instruction and support services may continually be improved.

32 (9) Establish and maintain procedural steps for resolving complaints and criticisms of
33 school affairs.

34 (10) Act only through public meetings since individual board members have no authority

1 to bind the board.

2 (11) Recognize that the first and greatest concern must be the educational welfare of the
3 students attending the public schools.

4 (12) Work with other committee members to establish effective board policies and to
5 delegate authority for the administration of the schools to the superintendent.

6 (13) Avoid being placed in a position of conflict of interest, and refrain from using the
7 committee position for personal gain.

8 (14) Attend all regularly scheduled committee meetings as possible, and become
9 informed concerning the issues to be considered at those meetings.

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

14 **16-2-11. General powers and duties of superintendent.** -- (a) The superintendent of
15 schools employed in accordance with the provisions of this chapter shall, under the direction of
16 the school committee, have the care and supervision of the public schools and shall be the chief
17 administrative agent of the school committee. The superintendent shall have any duties as are
18 defined in this section and in this title and any other duties as may be determined by the school
19 committee, and shall perform any other duties as may be vested in him or her by law. In addition
20 to the care and supervision of public schools and the appointment of employees of the district, it
21 shall be the duty of the superintendent:

22 (1) To implement policies established by the school committee.

23 (2) To recommend educational plans, policies, and programs to meet the needs of the
24 district.

25 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
26 transportation of students.

27 (4) To comply with provisions of federal and state law and local charter provisions and
28 ordinances.

29 (5) To have administrative responsibility for the school system.

30 (6) To oversee the care, control, and management of school facilities and equipment.

31 (7) To appoint all school department personnel with the consent of the school committee.

32 (8) To administer the personnel function of the school department consistent with
33 personnel standards, policies, and the table of organization established by the school committee.

34 (9) To provide for the evaluation of department personnel.

1 (10) To prepare a school budget for consideration by the school committee.

2 (11) To authorize purchases consistent with the adopted school budget, policies and
3 directives of the school committee, and applicable municipal policies, ordinances, and charter
4 provisions.

5 (12) To be responsible for keeping the records of the school system.

6 (13) To report to the school committee on a regular basis the financial condition of the
7 school system.

8 (14) To be responsible for discipline in the school system.

9 (15) To evaluate all schools within the school system and to report to the school
10 committee the conformity with regulations of the board of regents and the policies, programs, and
11 directives of the school committee.

12 (16) To report to the school committee on the operation of the school system, including
13 an annual report on the district's progress.

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

17 (c) If at any time during the fiscal year the superintendent of schools determines, or is
18 notified by the city or town chief charter officer or treasurer, that the estimated school expenses
19 may exceed all revenue appropriated by the state or city or town or otherwise for public schools
20 in the city or town, the superintendent of schools shall recommend to the school committee and
21 shall, in order to provide for continuous regular public school operations consistent with the
22 requirements of section 16-2-2 without regard to financial conditions, subsequently report to the
23 city or town treasurer and chief charter officer what action will be taken to prevent an excess of
24 expenditures, encumbrances, and accruals over revenues for public schools in the city or town.

25 **16-2-34. Central Falls School District board of trustees.** -- (a) There is hereby
26 established a seven (7) member board of trustees, which shall govern the Central Falls School
27 District. With the exception of those powers and duties reserved by the commissioner of
28 elementary and secondary education, and the board of regents for elementary and secondary
29 education, the board of trustees shall have the powers and duties of school committees.

30 (b) The board of regents for elementary and secondary education shall appoint the
31 members of the board of trustees from nominations made by the commissioner of elementary and
32 secondary education. The chairperson shall also be selected in this manner. The board of regents
33 shall determine the number, qualifications, and terms of office of members of the board of
34 trustees, provided however, that at least four (4) of the members shall be residents of the city and

1 parents of current or former Central Falls public school students. The remaining three (3) shall be
2 appointed at large.

3 (c) The board of regents shall provide parameters for overall budget requests, approve
4 the budget, and otherwise participate in budget development.

5 (d) The commissioner of elementary and secondary education shall recommend
6 parameters for overall budget requests, recommend a budget, and otherwise participate in budget
7 development.

8 (e) The commissioner shall approve the process for selection of the superintendent.

9 (f) The board of trustees shall meet monthly and serve without compensation. The board
10 of trustees shall have broad policy making authority for the operation of the school, as well as the
11 following powers and duties:

12 (1) To identify the educational needs of the district;

13 (2) To develop educational policies to meet the needs of students in the school district;

14 (3) To appoint a superintendent to serve as its chief executive officer and to approve
15 assistant and associate superintendents from nominations made by the superintendent;

16 (4) To provide policy guidance and otherwise participate in budget development; and

17 (5) To develop staffing policies which ensure that all students are taught by educators of
18 the highest possible quality.

19 (g) The superintendent shall serve at the pleasure of the board of trustees with the initial
20 appointment to be for a period of not more than three (3) years; provided, however, that the terms
21 and conditions of employment are subject to the approval of the board of regents for elementary
22 and secondary education.

23 (h) It shall be the responsibility of the superintendent to manage and operate the school
24 on a day-to-day basis. The superintendent's duties shall include the following:

25 (1) To be responsible for the care, supervision, and management of the schools;

26 (2) To recommend to the board of trustees educational policies to meet the needs of the
27 district, and to implement policies established by the board of trustees;

28 (3) To present nominations to the board of trustees for assistant and associate
29 superintendents and to appoint all other school personnel;

30 (4) To provide for the evaluation of all school district personnel;

31 (5) To establish a school based management approach for decision making for the
32 operation of the school;

33 (6) To prepare a budget and otherwise participate in budget development as required,
34 and to authorize purchases consistent with the adopted school district budget;

1 (7) To report to the board of trustees, on a regular basis, the financial condition and
2 operation of the schools, and to report annually on the educational progress of the schools;

3 (8) To establish appropriate advisory committees as needed to provide guidance on new
4 directions and feedback on the operation of the schools;

5 (9) With policy guidance from the board of trustees and extensive involvement of the
6 administrators and faculty in the school, to annually prepare a budget. The board of trustees shall
7 approve the budget and transmit it to the commissioner. The board of regents for elementary and
8 secondary education, upon recommendation of the commissioner of elementary and secondary
9 education, shall provide parameters for the overall budget request. Based on review and
10 recommendation by the commissioner, the board of regents shall approve the total budget and
11 incorporate it into its budget request to the governor and to the general assembly. Line item
12 budgeting decisions shall be the responsibility of the superintendent; and

13 (10) To negotiate, along with the chairperson of the board of trustees and his or her
14 appointed designee, all district employment contracts, which contracts shall be subject to the
15 approval of the commissioner of elementary and secondary education with the concurrence of the
16 board of regents.

17 (i) ~~Nothing in this section shall be deemed to limit or otherwise interfere with the rights~~
18 ~~of teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of~~
19 ~~title 28 or to allow the board of trustees or the superintendent to abrogate any agreement by~~
20 ~~collective bargaining.~~

21 (j) The appointment of the special state administrator for the Central Falls School
22 District and the Central Falls School District Advisory Group, created by chapter 312 of the
23 Rhode Island Public Laws of 1991, will no longer be in effect upon the selection and appointment
24 of the board of trustees created in this section. All powers and duties of the special state
25 administrator and the Central Falls School District Advisory Group are hereby transferred and
26 assigned to the board of trustees created in this section, upon the selection and appointment of
27 that board.

28 SECTION 2. Section 16-2-21.6 of the General Laws in Chapter 16-2 entitled "School
29 Committees and Superintendents" is hereby repealed.

30 ~~**16-2-21.6. Collective bargaining fiscal impact statements.** -- (a) Prior to executing any~~
31 ~~collective bargaining agreement between a school committee and representatives of teachers~~
32 ~~and/or other school employees, the school committee shall prepare or cause to be prepared a~~
33 ~~collective bargaining fiscal impact statement. These statements shall set forth, in dollar amounts,~~
34 ~~estimates of the fiscal impact, during the term of the proposed agreement. No comment or~~

1 ~~opinion relative to the merits of the terms of the contract shall be included, except that technical~~
2 ~~or mechanical errors or defects may be noted.~~

3 ~~(b) The fiscal impact statement and the awarded contract shall be publicized and shall be~~
4 ~~made immediately available upon ratification of the contract.~~

5 SECTION 3. Section 16-3.1-6 of the General Laws in Chapter 16-3.1 entitled
6 "Cooperative Service Among School Districts" is hereby repealed.

7 ~~**16-3.1-6. Collective bargaining agreements unaffected.** -- Nothing in this chapter shall~~
8 ~~allow any school district to abrogate any agreement reached by collective bargaining.~~

9 SECTION 4. Section 16-7-29 of the General Laws in Chapter 16-7 entitled "Foundation
10 Level School Support" is hereby amended to read as follows:

11 **16-7-29. Minimum salary schedule established by community.** -- (a) Every
12 community shall establish and put into full effect by appropriate action of its school committee a
13 salary schedule recognizing years of service, experience, and training for all certified personnel
14 regularly employed in the public schools and having no more than twelve (12) annual steps. The
15 term "school year" as applied to the salary schedule means the ten (10) calendar months
16 beginning in September and ending the following June.

17 (b) ~~Nothing in this section shall prohibit a freeze or reduction of the monetary value of~~
18 ~~the steps in the salary schedule through the collective bargaining process.~~

19 SECTION 5. Section 16-12.1-2 of the General Laws in Chapter 16-12.1 entitled "School
20 Administrators' Rights" is hereby amended to read as follows:

21 **16-12.1-2. "Administrator" defined.** -- The term "administrator" as used in this chapter
22 applies only to full time, certified professionals having the authority in the interest of a local or
23 regional school district or school within a district to direct, supervise, advise, or manage;
24 provided, however, the term "administrator" does not include superintendents of schools or
25 assistant superintendents of schools. An "administrator" within a teacher bargaining unit,
26 ~~protected by the terms of a regional or local school committee teacher collective bargaining~~
27 ~~agreement,~~ shall not be protected by the provisions of this chapter.

28 SECTION 6. Sections 16-13-2, 16-13-3, 16-13-4 and 16-13-5 of the General Laws in
29 Chapter 16-13 entitled "Teachers' Tenure" are hereby amended to read as follows:

30 **16-13-2. Annual contract basis -- Automatic continuation.** -- (a) Teaching service
31 shall be on the basis of an annual contract, except as hereinafter provided, and the contract shall
32 be deemed to be continuous unless the governing body of the schools shall notify the teacher in
33 writing on or before March 1 that the contract for the ensuing year will not be renewed; provided,
34 however, that a teacher, upon request, shall be furnished a statement of cause for dismissal or

1 nonrenewal of his or her contract by the school committee; provided further, that whenever any
2 contract is not renewed or the teacher is dismissed, the teacher shall be entitled to a hearing and
3 appeal pursuant to the procedure set forth in section 16-13-4.

4 (b) ~~Nothing contained in this section shall be construed to prohibit or at any time to have~~
5 ~~prohibited a school committee from agreeing, in a collective bargaining agreement, to the~~
6 ~~arbitration of disputes arising out of a dismissal or nonrenewal of a nontenured teacher pursuant~~
7 ~~to subsection (a) of this section.~~

8 **16-13-3. Probationary period -- Tenure after probation.** -- (a) Three (3) annual
9 contracts within five (5) successive school years shall be considered evidence of satisfactory
10 teaching and shall constitute a probationary period. Teachers who complete the probationary
11 period shall be considered in continuous service and shall not be subject to annual renewal or
12 nonrenewal of their contracts. No tenured teacher in continuous service shall be dismissed except
13 for good and just cause. Whenever a tenured teacher in continuous service is to be dismissed, the
14 notice of the dismissal shall be given to the teacher, in writing, on or before March 1st of the
15 school year immediately preceding the school year in which the dismissal is to become effective.
16 The teacher shall be furnished with a complete statement of the cause(s) for the dismissal by the
17 governing body of the school and shall be entitled to a hearing and appeal pursuant to the
18 procedure set forth in section 16-13-4.

19 (b) ~~Nothing contained in this section shall be construed to prohibit or at any time to have~~
20 ~~prohibited a school committee from agreeing, in a collective bargaining agreement, to the~~
21 ~~arbitration of disputes arising out of the dismissal of a tenured teacher pursuant to subsection (a)~~
22 ~~of this section.~~

23 (c) Any teacher appointed to a position of principal, assistant principal, or vice principal
24 within the school system in which the teacher has attained tenure shall, upon termination or
25 resignation of the administrative position, be allowed to return to his or her former status as a
26 tenured teacher within the system.

27 **16-13-4. Statement of cause for dismissal -- Hearing -- Appeals -- Arbitration.** -- (a)
28 The statement of cause for dismissal shall be given to the teacher, in writing, by the governing
29 body of the schools at least one month prior to the close of the school year. The teacher may,
30 within fifteen (15) days of the notification, request, in writing, a hearing before the full board.
31 The hearing shall be public or private, in the discretion of the teacher. Both teacher and school
32 board shall be entitled to be represented by counsel and to present witnesses. The board shall
33 keep a complete record of the hearing and shall furnish the teacher with a copy. Any teacher
34 aggrieved by the decision of the school board shall have the right of appeal to the department of

1 elementary and secondary education and shall have the right of further appeal to the superior
2 court.

3 (b) ~~Nothing contained in this section shall be construed to prohibit or at any time to have~~
4 ~~prohibited a school committee from agreeing, in a collective bargaining agreement, to the~~
5 ~~arbitration of disputes arising out of the nonrenewal, dismissal, and/or suspension of a teacher~~
6 ~~pursuant to sections 16-13-2, 16-13-3, and/or 16-13-5.~~

7 **16-13-5. Suspension for cause -- Payment for period suspended.** -- (a) Section 16-13-4
8 shall not prevent the suspension of a teacher for good and just cause. Prior to the suspension of a
9 teacher as provided in this section, the school committee shall hold a pre-suspension hearing to
10 determine if a suspension is warranted, and at the pre-suspension hearing, shall consider any
11 available evidence and afford the teacher or his or her counsel an opportunity to respond to that
12 evidence. In the event a teacher is suspended or otherwise not permitted to perform his or her
13 duties prior to the presuspension hearing, then the teacher shall be paid his or her regular salary
14 during that period.

15 (b) Whenever a teacher is suspended by a school committee, the school committee shall
16 furnish the teacher with a complete statement of the cause(s) of the suspension and, upon request,
17 shall afford the teacher a hearing and appeal pursuant to the procedure set forth in section 16-13-
18 4. If the teacher shall be vindicated as a result of the hearing or any appeal the teacher shall be
19 paid in full for the period of suspension, and provided further, that during the period of
20 suspension, all medical and insurance benefits shall remain in full force and effect.

21 (c) ~~Nothing contained in this section shall be construed to prohibit or at any time to have~~
22 ~~prohibited a school committee from agreeing, in a collective bargaining agreement, to the~~
23 ~~arbitration of disputes arising out of the suspension of a teacher pursuant to subsection (a) of this~~
24 ~~section.~~

25 SECTION 7. Section 16-16-24 of the General Laws in Chapter 16-16 entitled "Teachers'
26 Retirement" is hereby amended to read as follows:

27 **16-16-24. Substitute teaching and employment after retirement.** -- (a) Any teacher or
28 athletic coach certified pursuant to chapter 11.1 of this title who has retired under the provisions
29 of any law of this state may substitute as a teacher at state schools and in the public schools of
30 this state for a period of no more than ninety (90) days in any one school year without any
31 forfeiture of or reduction in the retirement benefits and allowances the teacher is receiving or may
32 receive as a retired teacher. Notice of the employment shall be sent monthly to the state
33 retirement board by the school committee employing the teacher and by the employer and by the
34 retired teacher at the end of each teaching assignment.

1 (b) Any teacher or athletic coach certified pursuant to chapter 11.1 of this title who has
2 retired under the provisions of any law of this state may be employed to fill a vacant position
3 (including, but not limited to, employment as a tutor, mentor principal or mentor assistant
4 principal) by any state school or public school of this state for a period of no more than ninety
5 (90) days in any one school year without any forfeiture of or reduction in the retirement benefits
6 and allowances he or she is receiving or may receive as a retiree. Notice of the employment shall
7 be sent monthly to the state retirement board by the employer and by the retired teacher.
8 Provided, however, that no employment may be offered to a retiree subject to this section after
9 July 1, 2002, unless the employer has made a good faith effort each school year to fill the position
10 with a nonretired employee without success, and certifies in writing that it has done so to the
11 employees' retirement system, ~~and to the bargaining agents of all education unions with whom the~~
12 ~~employer has collective bargaining agreements.~~

13 (c) Any retired teacher or athletic coach may be employed pursuant to subsections (a)
14 and (b) of this section, but in no event shall employment exceed ninety (90) days.

15 (d) The calculation of the ninety (90) day period in any one school year shall be
16 determined by either of the following methods:

17 (1) Three (3) hours shall constitute a half day and the number of half days shall be
18 limited to one hundred eighty (180) half days which shall be the equivalent of ninety (90) full
19 days; or

20 (2) Each period per day shall constitute one-fifth (1/5) of a teaching day. Any teacher
21 hired to teach two (2) periods per day shall be deemed to have worked seventy-two (72) full days
22 per year. The computation is two-fifths times one hundred eighty ($2/5 \times 180$) school days per
23 year which shall be equivalent to seventy-two (72) full days per year.

24 SECTION 8. Section 16-19-1 of the General Laws in Chapter 16-19 entitled
25 "Compulsory Attendance" is hereby amended to read as follows:

26 **16-19-1. Attendance required.** -- (a) Every child who has completed or will have
27 completed six (6) years of life on or before September 1 of any school year and has not completed
28 sixteen (16) years of life shall regularly attend some public day school during all the days and
29 hours that the public schools are in session in the city or town in which the child resides. Every
30 person having under his or her control a child as described in this section shall cause the child to
31 attend school as required by this section, and for every neglect of this duty the person having
32 control of the child shall be fined not exceeding fifty dollars (\$50.00) for each day or part of a day
33 that the child fails to attend school, and if the total of these days is more than thirty (30) school
34 days during any school year, then the person shall, upon conviction, be imprisoned not exceeding

1 six (6) months or shall be fined not more than five hundred dollars (\$500), or both; provided, that
2 if the person so charged shall prove that the child has attended for the required period of time a
3 private day school approved by the commissioner of elementary and secondary education
4 pursuant to section 16-60-6(10), or a course of at-home instruction approved by the school
5 committee of the town where the child resides, or that the physical or mental condition of the
6 child was such as to render his or her attendance at school inexpedient or impracticable, or that
7 the child was excluded from school by virtue of some general law or regulation, then attendance
8 shall not be obligatory nor shall the penalty be incurred.

9 (b) Every child enrolled in school who completes or has completed sixteen (16) years of
10 life and who has not yet attained eighteen (18) years of age shall regularly attend school during
11 all the days and hours that the public schools are in session in the city or town in which the child
12 resides unless the person having control of the child withdraws the child from enrollment in
13 accordance with section 16-67.1-3. Provided, however, that nothing in this subsection or in
14 subsection (a) of this section shall prohibit or limit cities or towns from enacting programs of
15 early intervention and/or mediation in an effort to address the problems of students who are
16 habitually late or absent from school.

17 (c) ~~Nothing in this section shall be deemed to limit or otherwise interfere with the rights~~
18 ~~of teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of~~
19 ~~title 28 or to allow any school committee to abrogate any agreement reached by collective~~
20 ~~bargaining.~~

21 SECTION 9. Section 16-26-3.1 of the General Laws in Chapter 16-26 entitled "School
22 for the Deaf" is hereby amended to read as follows:

23 **16-26-3.1. Board of Trustees.** -- (a) The powers delegated and authorized in this chapter
24 for the board of regents for elementary and secondary education and the department of
25 elementary and secondary education shall be in addition to those previously authorized by any
26 other general or public law.

27 (b) The governance, funding, and programming of the Rhode Island School for the Deaf
28 shall be in accordance with the rules and regulations formulated by the board of regents for
29 elementary and secondary education pursuant to chapter 35 of title 42.

30 (c) (1) The purpose of this chapter is to restructure the governance of the Rhode Island
31 School for the Deaf.

32 (2) The School for the Deaf shall be operated as a local education agency and shall be
33 governed by a board of trustees. With the exception of those powers and duties reserved to the
34 director, the commissioner of elementary and secondary education, and the board of regents for

1 elementary and secondary education, the board of trustees shall have the powers and duties of a
2 school committee.

3 (3) The board of regents for elementary and secondary education shall appoint the
4 members of the board of trustees from nominations made by the commissioner of elementary and
5 secondary education. The chairperson shall also be selected in this manner. The board of regents
6 for elementary and secondary education shall determine the qualifications and terms of office of
7 members of the board of trustees. The board of trustees shall be comprised of nine (9) individuals,
8 not less than five (5) of whom shall be persons who are deaf and hard of hearing. The
9 commissioner may seek input on nominations of persons who are deaf and hard of hearing from
10 organizations whose membership is primarily made up of deaf and hard of hearing individuals,
11 individuals who are deaf and hard of hearing, or organizations whose purpose is advocacy for
12 individuals who are deaf and hard of hearing, as well as from other sources. For purposes of
13 obtaining input from diverse sources regarding suggestions for nominations for the first trustees
14 to be nominated by the commissioner, the commissioner shall convene a public quorum to obtain
15 broad input prior to making the initial nominations for the founding membership on the board of
16 trustees. No person in any way employed by or doing business with the Rhode Island School for
17 the Deaf shall serve on the board of trustees.

18 (4) The board of regents shall establish strategic directions for the education of deaf and
19 hard of hearing children in the state of Rhode Island.

20 (5) The board of regents shall provide parameters for budget requests, recommend a
21 budget, and participate in budget development.

22 (d) (1) The commissioner of elementary and secondary education shall recommend
23 parameters for the overall budget requests, recommend a budget, and participate in budget
24 development.

25 (2) The commissioner shall approve the process for selection of a director of the school.

26 (e) The board of trustees shall meet monthly and serve without compensation. Seven (7)
27 members of the board of trustees shall be required to attend teacher appeal meetings pursuant to
28 section 16-13-4. The board of trustees shall have broad policy making authority of the operation
29 of the school consistent with this subsection and the following powers and duties:

30 (1) To identify the needs of deaf and hard of hearing children in the state of Rhode
31 Island.

32 (2) To develop educational policies to meet the needs of deaf and hard of hearing
33 children served by the school for the deaf.

34 (3) To appoint a director of the school to serve as its chief executive officer and to

1 approve assistant directors from nominations made by the director.

2 (4) To provide policy guidance and participate in budget development.

3 (5) To develop staffing policies which ensure that all students are taught by educators of
4 the highest possible quality.

5 (f) (1) The director shall serve at the pleasure of the board of trustees with the initial
6 appointment to be for a period of not more than five (5) years; provided, that the term and
7 conditions of employment are subject to the approval of the board of regents for elementary and
8 secondary education.

9 (2) It is the responsibility of the director to manage and operate the school on a day to
10 day basis. The director's responsibilities shall include the following:

11 (i) To be responsible for the entire care, supervision, and management of the school for
12 the deaf.

13 (ii) To recommend to the board of regents educational policies to meet the needs of the
14 deaf and hard of hearing children and to implement policies established by the board of trustees.

15 (iii) To present nominations to the board of trustees for assistant administrators and to
16 appoint all other school personnel.

17 (iv) To provide for the evaluation of all school personnel.

18 (v) To establish a school based management approach for decision making for the
19 operation of the school.

20 (vi) To report to the board of trustees on a regular basis the financial condition and the
21 operation of the school, and to report annually on the educational progress of the school.

22 (vii) To establish appropriate advisory committees as needed to provide guidance and
23 feedback on the operation of the school.

24 (viii) To make himself or herself available to the board of trustees and to attend board of
25 trustees meetings to provide a link between the school and the board of trustees.

26 (g) With policy guidance from the board of trustees and extensive involvement of the
27 administrators and faculty of the school, the director shall annually prepare a budget. The board
28 of trustees will approve the budget and transmit it to the commissioner of elementary and
29 secondary education. The board of regents for elementary and secondary education shall provide
30 parameters for the overall budget request. Based on review and recommendations for the
31 commissioner, the board of regents shall approve the total budget and incorporate it into its
32 budget request to the governor and to the general assembly. Line item budgeting decisions shall
33 be the responsibility of the director.

34 (h) ~~Nothing in this section shall be deemed to limit or interfere with the rights of teachers~~

~~1 and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or
2 to allow the board of trustees or the director to abrogate any agreement by collective bargaining.
3 Employees at the Rhode Island School for the Deaf shall continue to be state employees and the
4 bargaining units which are presently established at the school shall remain intact.~~

5 SECTION 10. Section 16-45-6 of the General Laws in Chapter 16-45 entitled "Regional
6 Vocational Schools" is hereby amended to read as follows:

7 **16-45-6. Powers additional to previous authority.** -- (a) The powers delegated and
8 authorized in this chapter for the board of regents for elementary and secondary education and the
9 department of elementary and secondary education shall be in addition to those previously
10 authorized by any other general or public law.

11 (b) The governance, funding, and programming of the William M. Davies, Jr. vocational
12 technical school and the Metropolitan Career and Technical School shall be in accordance with
13 the rules and regulations formulated by the board of regents for elementary and secondary
14 education pursuant to chapter 35 of title 42. Provided, however, the additional appropriation by
15 the General Assembly in fiscal year 2005 for the William M. Davies, Jr. Vocational Technical
16 School shall be used to fund sixty (60) additional placements. Forty (40) of those placements
17 shall be made available to students from the City of Providence.

18 (c) The purpose of this chapter is to restructure the system of career and technical
19 schools in Rhode Island for the benefit of the students, the economy, and the general welfare. The
20 paramount aim is to enable the schools to make more significant contributions in providing the
21 state's students with the career preparation they need to compete and succeed in the world of
22 today and of the future. To ensure student success, a system of model career and technical schools
23 will be established and supported. These schools will provide: integrated academic and vocational
24 curricula, up to date technology, programs to meet the varying needs of all students, and strong
25 links to business, industry, postsecondary education, and the community.

26 (d) (1) There shall be a system of state operated career and technical schools serving
27 geographic areas of the state. Students attending these regional schools will do so on a full time
28 basis with the costs for their education at the regional school fully funded by the state.

29 (2) These schools shall be operated as local education agencies and each shall be
30 governed by a board of trustees. With the exception of those powers and duties reserved by the
31 director, the commissioner of elementary and secondary education, and the board of regents for
32 elementary and secondary education, the board of trustees shall have the powers and duties of
33 school committees. The Davies school shall be the first school operated under the provisions of
34 this chapter and shall be renamed the William M. Davies, Jr. career and technical high school.

1 The Metropolitan Career and Technical School shall be the second school operated under the
2 provisions of this chapter.

3 (e) (1) The board of regents for elementary and secondary education shall appoint the
4 members of the board of trustees from nominations made by the commissioner of elementary and
5 secondary education. The chairperson shall also be selected in this manner. The board of regents
6 shall determine the number, qualifications, and terms of office of members of the board of
7 trustees. The board of trustees will be broadly representative of the local communities served by
8 each school and the larger statewide workforce interests.

9 (2) The board of regents shall establish strategic directions for the career and technical
10 education system that are consistent with the state's economic development plans, workforce
11 requirements, and educational priorities and learner outcomes established by the board of regents.

12 (3) The board of regents shall provide parameters for the overall budget requests,
13 approve the budget, and participate in budget development as required in subsection (i).

14 (f) (1) The commissioner of elementary and secondary education shall recommend
15 parameters for the overall budget requests, recommend a budget and participate in budget
16 development as required in subsection (i).

17 (2) The commissioner shall approve the process for selection of a director of each
18 regional school. The commissioner shall develop a plan for statewide implementation of the
19 provisions of this chapter.

20 (g) The board of trustees shall meet monthly and serve without compensation. Nine (9)
21 members of the board of trustees shall be required to attend teacher appeal hearings conducted
22 pursuant to section 16-13-4. The board of trustees shall have broad policy making authority for
23 the operation of the school consistent with subsection (e) and the following powers and duties:

24 (1) To identify the educational needs of the communities in the district.

25 (2) To develop educational policies to meet the needs of students in the communities
26 served by the school district.

27 (3) To appoint a director of its regional school to serve as its chief executive officer and
28 to approve assistant and associate directors from nominations made by the director.

29 (4) To provide policy guidance and participate in budget development as required in
30 subsection (i).

31 (5) To develop staffing policies which ensure that all students are taught by educators of
32 the highest possible quality.

33 (h) (1) The director will serve at the pleasure of the board of trustees with the initial
34 appointment to be for a period of not more than three (3) years, provided, that the term and

1 conditions of employment are subject to the approval of the board of regents for elementary and
2 secondary education.

3 (2) It is the responsibility of the director to manage and operate the school on a day to
4 day basis. The director's duties shall include the following:

5 (i) To be responsible for the entire care, supervision, and management of the career and
6 technical high school.

7 (ii) To recommend to the board of trustees educational policies to meet the needs of the
8 district, and to implement policies established by the board of trustees.

9 (iii) To present nominations to the board of trustees for assistant and associate directors
10 and to appoint all other school personnel.

11 (iv) To provide for the evaluation of all school district personnel.

12 (v) To establish a school based management approach for decision making for the
13 operation of the school.

14 (vi) To prepare a budget and participate in budget development as required in subsection
15 (i), and to authorize purchases consistent with the adopted school district budget.

16 (vii) To report to the board of trustees on a regular basis the financial condition and
17 operation of the school, and to report annually on the educational progress of the school.

18 (viii) To establish appropriate advisory committees as needed to provide guidance on
19 new directions and feedback on the operation of the school.

20 (i) With policy guidance from the board of trustees and extensive involvement of the
21 administrators and faculty in the school, the director of each regional school shall annually
22 prepare a budget. The board of trustees will approve the budget and transmit it to the
23 commissioner. The board of regents for elementary and secondary education, upon
24 recommendation of the commissioner of elementary and secondary education, shall provide
25 parameters for the overall budget request. Based on review and recommendation by the
26 commissioner, the board of regents shall approve the total budget and incorporate it into its
27 budget request to the governor and to the general assembly. Line item budgeting decisions shall
28 be the responsibility of the director.

29 (j) ~~Nothing in this section shall be deemed to limit or interfere with the rights of teachers
30 and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or
31 to allow the board of trustees or the director to abrogate any agreement by collective bargaining.
32 Employees at the William M. Davies school shall continue to be state employees and the
33 bargaining units which are presently established at the school shall remain intact.~~

34 SECTION 11. Section 16-59-5 of the General Laws in Chapter 16-59 entitled "Board of

1 Governors for Higher Education" is hereby amended to read as follows:

2 **16-59-5. Meetings of board.** -- The board shall hold regular meetings at least twice in
3 each quarter of each calendar year. All meetings of the board of governors for higher education
4 shall be open to the public, provided that executive sessions may be held as subordinate parts of
5 public meetings only when matters relating to sensitive personnel ~~or collective bargaining~~ are to
6 be heard.

7 SECTION 12. Sections 16-77-4.1 and 16-77-5 of the General Laws in Chapter 16-77
8 entitled "Establishment of Charter Public Schools" are hereby amended to read as follows:

9 **16-77-4.1. Establishing a charter public school within a school district.** -- (a) In those
10 instances where a charter is being sought for an existing public school, the charter must receive
11 the affirmative votes of two-thirds (2/3) of the teachers assigned to the school prior to
12 implementation. If approved by the faculty, the charter shall be voted on by the parents or legal
13 guardians of each student assigned to the school, with one vote being cast for each student. To be
14 adopted by the parents, the charter must receive the affirmative votes of parents or legal guardians
15 representing a majority of all the students assigned to the school. The charter may then be
16 presented by the commissioner of elementary and secondary education to the board of regents for
17 elementary and secondary education for its approval.

18 (b) In those instances where a charter is being sought by a school district for a newly
19 created public charter school, the charter must receive the affirmative support of a number of
20 certified teachers employed within the school district at least equal to two-thirds (2/3) of the
21 number of teachers that will be required to staff the proposed charter public school. The teachers
22 must state their desire to transfer to the charter public school, once established, and to teach under
23 the terms of the charter. To demonstrate parental support within the school district, the charter
24 must receive the affirmative support of parents or legal guardians representing a number of
25 students currently enrolled in the school district equal to at least one-half (1/2) of the number of
26 students who would be needed to attend the proposed charter public school. The parents or
27 guardians must state their desire to have their children transfer to the charter public school, once
28 established, and to be educated under the terms of the charter. The charter may then be presented
29 by the commissioner of elementary and secondary education to the board of regents for
30 elementary and secondary education for its approval. The charter shall set forth those provisions
31 of state statute, regulation, and school district rules which will not be applicable to that charter
32 public school.

33 (c) The charter shall set forth those provisions of state statute, regulation, and of school
34 district rules which will not be applicable to that charter public school. By two-thirds (2/3) vote of

1 the teachers as provided for in this section, the teachers will be deemed to have given their
2 consent to the variances from those provisions of law, regulation, and school district rules. ~~The~~
3 ~~charter shall set forth those provisions of the collective bargaining agreement which will not be~~
4 ~~applicable to that charter public school subject to agreement by the parties to the collectively~~
5 ~~bargaining agreement.~~ By approval of the charter upon the recommendation of the commissioner
6 of elementary and secondary education, the board of regents will be deemed to have authorized
7 all necessary variances from law and regulation enumerated in the charter. Should the need for
8 relief from the operation of additional provisions of law and/or contract become apparent
9 subsequent to implementation of the charter, a variance may be obtained by an affirmative vote of
10 two-thirds (2/3) of the teachers then assigned to the school, ~~agreement by all parties to the~~
11 ~~collective bargaining agreement,~~ and by an affirmative vote of the board of regents upon a
12 recommendation of the commissioner of elementary and secondary education.

13 **16-77-5. Process for consideration of proposed charter.** -- (a) If the commissioner of
14 elementary and secondary education or the local school committee finds the application to be
15 incomplete, further information may be requested and required. The commissioner shall develop
16 regulations for amending an approved charter, consistent with the provisions of this chapter.

17 (b) After having received a satisfactory application, the commissioner of elementary and
18 secondary education will provide for a public comment period of not less than sixty (60) days,
19 during which they will hold at least two (2) public hearings on the application. These hearings
20 will be held in the district where the proposed charter school is to be located. Any person may file
21 with the committee and/or the commissioner comments, recommendations, and/or objections
22 relevant to the granting of a charter.

23 (c) A copy of the completed application for a charter public school at an existing public
24 school shall be provided to the ~~collective bargaining agent for the~~ teachers in that school district
25 at the time that it is filed with the school committee and the commissioner. The teachers ~~through~~
26 ~~their collective bargaining agent~~ shall be afforded the opportunity to present their analysis of and
27 recommendations regarding the proposed charter to the school committee and the board of
28 regents for elementary and secondary education prior to any determination by those entities. If the
29 teachers' union objects to the proposed charter or to any provision of it, it shall set forth the
30 reasons for those objections in detail. These objections and recommendations shall be considered
31 and responded to by the school committee and the commissioner before making any
32 recommendation to the board of regents, and by the board of regents prior to its determination.

33 (d) The commissioner and the local school committee will each decide on whether or not
34 to recommend the granting of the charter within ninety (90) days after the conclusion of the

1 public comment period.

2 (e) If the commissioner of elementary and secondary education or the local school
3 committee recommend the granting of the charter public school petition, the matter shall be
4 referred to the board of regents for a decision on whether or not to grant a charter. Notice of the
5 granting or denial of the application will be supplied. The decision of the board of regents,
6 complete with reasons and conditions, shall be made available to the public and to the applicant.

7 (f) The commissioner, with the approval of the board of regents for elementary and
8 secondary education, may grant a variance to any provision of title 16 other than those
9 enumerated in section 16-77-11 and to any department of education regulation and to any school
10 district regulation which does not affect the health and safety or civil rights of pupils in charter
11 public schools.

12 (g) All charter applications shall be matters of public record and will be provided to
13 members of the public upon request.

14 (h) Notwithstanding the provisions of this section, the Board of Regents shall not grant
15 final approval for any new charter school to begin operations in the 2006-2007 or 2007-2008
16 school year.

17 SECTION 13. Section 16-80-5 of the General Laws in Chapter 16-80 entitled "Rhode
18 Island School-to-Career Transition Act of 1996" is hereby amended to read as follows:

19 **16-80-5. Local partnerships.** -- (a) Local partnerships will be developed to provide a
20 framework within which local districts or consortia can develop school-to-work strategies which
21 will:

22 (1) Be integrated with education reform and school improvement efforts;

23 (2) Offer opportunities for all students to participate in education and training programs
24 that will prepare students for high skill, high wage careers and result in certification of knowledge
25 and skills through a process such as a certificate of initial mastery and a certificate of advanced
26 mastery recognized by both the education and business communities;

27 (3) Increase opportunities for continuing education, two (2) year or four (4) year colleges
28 and other technical education experiences;

29 (4) Engage families in multiple roles to support and enhance opportunities for children to
30 transition from school to work and to develop in-depth partnerships with businesses, colleges,
31 families and community organizations to offer technical and substantive student workplace
32 experiences for schools;

33 (5) Be part of the state's comprehensive education reform;

34 (6) Be integrated with the state's school-to-work plan;

1 (7) Be integrated with the state's workforce development plan and economic reform
2 initiative;

3 (8) Offer opportunities for all students to participate in performance-based education and
4 training programs that will:

5 (i) Enable students to earn portable credentials;

6 (ii) Prepare the students for first jobs in high skill, high wage careers; and

7 (iii) Increase their opportunities for further education, including education in a four (4)
8 year college or university.

9 (9) Utilize workplace as active learning environments in the educational process by
10 making employers and labor organizations joint partners with educators in providing
11 opportunities for all students to participate in high quality, work-based learning experiences;

12 (10) Build on and advance existing promising practices;

13 (11) Be integrated with the local partnerships established through the local educational
14 collaboratives and their transition centers.

15 (b) In developing the school-to-work system, the emphasis shall be on a structure that is
16 flexible to meet local school needs and is available to students as needed and appropriate.
17 Students and parents shall be involved in the students' choices of career paths. The human
18 resource investment council's school-to-work subcommittee, for the purpose of successfully
19 establishing and implementing the school-to-work system, shall endeavor to obtain the
20 cooperation of employers, employees, unions, the commission on higher education, post-
21 secondary institutions and school districts.

22 (c) Programs and opportunities developed under this chapter shall not impair existing
23 ~~collective bargaining~~ relationships, displace current employees, prevent rehiring laid-off
24 employees, or impair promotion or job training opportunities for current employees.

25 SECTION 14. This act shall take effect upon passage.

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LC02377
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- COLLECTIVE BARGAINING

1 This act would eliminate the collective bargaining references and requirements
2 throughout title 16.

3 This act would take effect upon passage.

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