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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

Introduced By: Senators Hodgson, Algieri, Bates, Ottiano, and Kettle

Date Introduced: January 24, 2013

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-97-1, 16-97-4, 16-97-5 and 16-97-6 of the General Laws in
2 Chapter 16-97 entitled "The Rhode Island Board of Education Act" are hereby amended to read
3 as follows:

4 **16-97-1. Rhode Island board of education established.** -- (a) Effective ~~January 1, 2013,~~
5 March 7, 2013, there is created a board of education which shall be and is constituted a public
6 corporation, empowered to sue and be sued in its own name, to have a corporate seal, and upon
7 approval of a final plan for the permanent administrative structure for elementary, secondary, and
8 higher education by the general assembly and the governor, to be vested with all the powers and
9 duties currently vested in the board of governors for higher education established in chapter 16-59
10 and the board of regents for elementary and secondary education established in chapter 16-60.

11 (b) Upon its organization, the board of education shall be vested with the legal title (in
12 trust for the state) to all property, real and personal, now owned by and/or under the control or in
13 the custody of the board of governors for higher education and the board of regents for
14 elementary and secondary education, for the use of the board of education. The board of
15 education is hereby-designated successor to all powers, rights, duties, and privileges pertaining to
16 the board of regents for elementary and secondary education and the board of governors for
17 higher education.

18 (c) The board of education shall consist of eleven (11) public members appointed by the
19 governor with the advice and consent of the senate. Four (4) of the members initially appointed

1 pursuant to this section shall serve terms of three (3) years; four (4) members initially appointed
2 pursuant to this section shall serve terms of two (2) years; and, three (3) members initially
3 appointed pursuant to this section shall serve terms of one year. Thereafter, all members
4 appointed pursuant to this section shall serve terms of three (3) years. No board member shall be
5 appointed to serve more than two (2) three (3) year terms.

6 (d) The governor shall select from the appointed members a chairperson and vice
7 chairperson. A quorum shall consist of six (6) members of the board. A majority vote of those
8 present shall be required for action.

9 (e) The statutory responsibilities of the department of elementary and secondary
10 education, the commissioner of elementary and secondary education, and the commissioner of
11 higher education shall remain unchanged. No later than ~~July 1, 2013~~, [September 1, 2013](#), the
12 board of education shall submit to the governor and the general assembly its final plan for the
13 permanent administrative structure for higher education. As a requisite element of the
14 administrative structure for [elementary, secondary, and](#) higher education, the board of education
15 shall establish a plan for distributing the assets, responsibilities, powers, authorities, and duties of
16 the office of higher education to the three (3) higher education institutions and appropriate state
17 agencies. Said distribution shall be done in a manner designed to maximize efficiency, provide
18 greater articulation of the respective responsibilities of elementary and secondary and higher
19 education, and ensure that students are prepared to succeed in school, college, careers, and life.
20 The permanent governance structure for higher education shall, at a minimum: (1) Provide clear
21 guidance on statutory, legal, financial and contractual obligations; (2) Establish a policy
22 framework that furthers the goals of this chapter; and (3) Establish appropriate administrative
23 structures, support, policies and procedures. Effective July 1, 2014, the office of higher education
24 shall be abolished.

25 **16-97-4. Change of former names.** -- Effective ~~January 1, 2013~~ [upon approval of the](#)
26 [final plan for administrative structure](#), the term "Rhode Island Board of Education" shall be used
27 in lieu of any then existing law reference made to the board of regents for elementary and
28 secondary education and/or the board of governors for higher education.

29 **16-97-5. Abolishment of boards.** -- The board of governors for higher education
30 established in chapter 16-59 and the board of regents for elementary and secondary education
31 established in chapter 16-60 shall cease to exist ~~as of January 1, 2013~~ [upon approval of the final](#)
32 [plan for administrative structure](#).

33 **16-97-6. Reporting requirements.** -- The board shall submit periodic reports to the
34 speaker of the house, senate president, chairs of the house and senate finance committees and

1 their respective fiscal advisors, the chair of the house health, education and welfare committee,
2 and chair of the senate education committee on its progress towards implementation of this
3 chapter. The first report shall deal with the board's permanent administrative structure for
4 elementary, secondary, and higher education as provided for in section 16-97-1 and be submitted
5 no later than ~~April 1, 2013~~ September 1, 2013. ~~and quarterly thereafter until January 1, 2014. It~~
6 The board shall submit ~~a its periodic reports~~ ~~report~~ annually thereafter commencing on or before
7 January 1, 2014, and continuing through 2018.

8 SECTION 2. This act shall take effect upon passage and be retroactive to December 31,
9 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

1 This act would delay the establishment of the Rhode Island board of education and also
2 delay the abolishment of the board of regents for elementary and secondary education and the
3 board of governors for higher education until approval by the general assembly and the governor
4 for a final plan for the board's administrative structure for elementary, secondary, and higher
5 education.

6 This act would take effect upon passage and be retroactive to December 31, 2012.

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