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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 - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senator Dawson T. Hodgson

Date Introduced: February 28, 2013

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-2-9, 16-2-9.3, 16-2-9.4 and 16-2-21.4 of the General Laws in
2 Chapter 16-2 entitled "School Committees and Superintendents" are hereby amended to read as
3 follows:

4 **16-2-9. General powers and duties of school committees.** -- (a) The entire educational
5 care, control, and management of all public ~~school~~ schools ~~interests~~ of the ~~several~~ cities and
6 towns shall be vested in the school committees of the ~~several~~ cities and towns. School committees
7 shall have, in addition to those enumerated in this title, the following powers and duties:

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

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

10 (3) To implement ~~provide for and assure the implementation of~~ federal and state laws,
11 the regulations of the board of regents for elementary and secondary education, and of local
12 school policies, programs, and directives.

13 (4) To monitor and evaluate ~~provide for the evaluation of~~ the performance of the school
14 system.

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

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

18 (7) To approve a master plan defining goals and objectives of the school system. These
19 goals and objectives shall be expressed in terms of what men and women should know and be

1 able to do as a result of their educational experience. The committee shall periodically evaluate
2 the efforts and results of education in light of these objectives.

3 (8) To provide for the location, care, control, and management of school facilities and
4 equipment to the extent delegated by the local appropriating authority.

5 (9) To adopt a school budget to submit to the local appropriating authority that meets
6 accepted accounting practices.

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

8 (11) To petition their municipal appropriating authority to fund ~~approve~~ expenditures in
9 the absence of a budget, consistent with state law.

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

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

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

19 (15) To uphold the standards and directives of the state department of education
20 concerning ~~establish standards for~~ the evaluation of personnel.

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

22 (17) To hear appeals from disciplinary actions.

23 (18) To enter into contracts; provided, however, that notwithstanding any other provision
24 of the general or public laws, whether of specific or general application, and notwithstanding the
25 provisions of any charter of any municipality where the school committee is appointed and not
26 elected, but not including, the Central Falls school district board of trustees established by section
27 16-2-34, the power and duty to enter into collective bargaining agreements shall be vested in the
28 chief executive officer of the municipality and not in the school committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (g) Notwithstanding any other provision of law, whether of general or specific
34 application, and notwithstanding any contrary provision of any city or town charter or ordinance,

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

6 (h) The presiding member of each school committee, or his or her designee, shall be an
7 ex officio member of the budget committee of the legislative councils of their respective
8 municipal appropriating authorities.

9 **16-2-9.3. The advisory council on school finances.** -- (a) The legislature hereby finds
10 and declares that there is a need for an advisory council on school finances to strengthen the fiscal
11 accountability of school districts, regional school districts, state schools and charter schools in
12 Rhode Island. The council shall be composed of ~~five (5)~~ six (6) members as follows:

13 (1) The auditor general of the state of Rhode Island or his or her designee;

14 (2) The executive director of the Rhode Island association of school committees or his or
15 her designee;

16 (3) The president of the Rhode Island association of school business officials or his or
17 her designee;

18 (4) The commissioner of elementary and secondary education or his or her designee; ~~and~~

19 (5) The director of the department of administration or his or her designee; ~~and~~

20 (6) The chief of the department of revenue's division of municipal finance.

21 (i) The auditor general or his or her designee shall serve as chair of the council. By July
22 1, 2005, the council shall develop recommendations for a uniform system of accounting,
23 including a chart of accounts for all school districts, regional school districts, state schools and
24 charter schools. By July 1, 2009 the council shall develop recommendations for a uniform system
25 of accounting for all educational regional collaboratives identified in section 16-3.1. Said
26 recommendations shall be advisory in nature and may be adopted by the office of auditor general
27 and the department of elementary and secondary education in part or in whole.

28 (b) The council shall meet no less than annually and recommend changes in accounting
29 procedures to be adopted by school districts, regional school districts, state schools and charter
30 schools as well as apprise school business officials, charter school officials, school committees
31 and school superintendents, school administrators and state school officials about professional
32 development opportunities that promotes sound fiscal practices and a knowledge of current state
33 and federal rules and regulations regarding school finance. The council shall also report, annually,
34 its activities and recommendations to the house committee on education accountability, the senate

1 committee on education and the office of the governor.

2 **16-2-9.4. School district accounting compliance.** -- (a) The office of auditor general
3 and the department of elementary and secondary education shall promulgate a uniform system of
4 accounting, including a chart of accounts based on the recommendations of the advisory council
5 on school finance, and require all accounts of the school districts, regional school districts, state
6 schools and charter schools to be kept in accordance therewith; provided, that in any case in
7 which the uniform system of accounting is not practicable, the office of auditor general in
8 conjunction with the department of elementary and secondary education shall determine the
9 manner in which the accounts shall be kept.

10 (b) For the purpose of securing a uniform system of accounting and a chart of accounts
11 the advisory council on school finances, as defined in section 16-2-9.2 may make such surveys of
12 the operation of any school districts, regional school district, state school or charter school as they
13 shall deem necessary.

14 (c) Upon completion of the implementation of the uniform chart of accounts, all the
15 school districts, regional school districts, state schools, and/or charter schools, shall implement a
16 regents-approved budget model, and use best practices established by the department of education
17 for long-range planning, budget development, and budget administration and reporting.

18 ~~(e)~~(d) If any school district, regional school district, state school or charter school fails to
19 install and maintain the uniform system of accounting, including a chart of accounts, or fails to
20 keep its accounts and interdepartmental records, or refuses or neglects to make the reports and to
21 furnish the information in accordance with the method prescribed by the office of auditor general
22 and the department of education or hinders or prevents the examination of accounts and financial
23 records, the auditor general and the commissioner of education may make a report to the board of
24 regents for elementary and secondary education in writing, specifying the nature and extent of the
25 failure, refusal, neglect, hindrance, or prevention, and the board of regents is hereby authorized
26 and directed to review the matter so reported. If the regents shall find that failure, refusal, neglect,
27 hindrance, or prevention exists and that the school district, regional school district, state school or
28 charter school should properly comply in the matter so reported, the regents shall direct the
29 school district, regional school district, state school or charter school, in writing, to so comply. If
30 the failure, refusal, neglect, hindrance, or prevention shall continue for a period of ten (10) days
31 following the written direction, the regents may withhold distribution of state aid to said school
32 district, regional school district, state school or charter school.

33 (e) The department of elementary and secondary education in consultation with the
34 division of municipal finance shall conduct periodic reviews and analysis of school revenues and

1 expenses. The department shall also review and monitor compliance with the approved budget
2 model and best practices. The department shall identify those local education agencies considered
3 to be at risk of a year-end deficit or a structural deficit that could impact future years. Such
4 potential deficits shall be identified based on the periodic reviews, which may also include on-site
5 visits and reporting in accordance with the provisions of section 45-12-22.2. Potential deficits
6 shall be reported to the office of municipal finance, office of auditor general, superintendent,
7 chairman of the school committee, mayor or town manager, and the president of the town council,
8 of the applicable school district, regional school district, or state school, and/or for a charter
9 school, to the board of trustees or directors, as applicable.

10 (f) Every school district, excepting regional school districts and the Central Falls school
11 district, shall utilize finance and accounting software systems provided by their respective
12 municipal appropriating authority.

13 **16-2-21.4. School budgets -- Compliance with certain requirements. --** (a)

14 Notwithstanding any provision of the general or public laws to the contrary, whenever a city,
15 town, or regional school committee determines that its budget is insufficient to comply with the
16 provisions of section 16-2-21, 16-7-23, or 16-7-24, the city, town, or regional school committee
17 shall adhere to the appropriated budget or the provisions of section 16-2-23 in the absence of an
18 appropriated budget. The chairperson of the city, town, or regional school committee, in
19 accordance with the provisions of section 16-2-9, shall be required to petition the commissioner,
20 in writing, to seek alternatives for the district to comply with state regulations and/or provide
21 waivers to state regulations and, in particular, those which are more restrictive than federal
22 regulations that allow the school committee to operate with a balanced budget. Waivers which
23 affect the health and safety of students and staff or which violate the provisions of chapter 24 of
24 this title shall not be granted. The commissioner must consider alternatives for districts to comply
25 with regulations and/or provide waivers to regulations in order that the school committee may
26 operate with a balanced budget within the previously authorized appropriation. In the petition to
27 the commissioner, the school committee shall be required to identify the alternatives to meet
28 regulations and/or identify the waivers it seeks in order to provide the commissioner with the
29 revised budget which allows it to have a balanced budget within the previously authorized
30 appropriation. The commissioner shall respond within fifteen (15) calendar days from the date of
31 the written petition from the school committee. If the commissioner does not approve of the
32 alternatives to meet regulations or the waivers from regulations which are sought by the school
33 committee, or if the commissioner does not approve of the modified expenditure plan submitted
34 by the school committee, then: (1) within ten (10) days of receiving the commissioner's response,

1 the school committee may submit a written request to the city or town council for the council of
2 the municipality to decide whether to increase the appropriation for schools to meet expenditures.
3 The decision to increase any appropriations shall be conducted pursuant to the local charter or the
4 public law controlling the approval of appropriations within the municipality; or (2) in a regional
5 school district, the chairperson of the school committee may, within ten (10) days of receiving the
6 commissioner's response, submit a written request to the chief elected official of each of the
7 municipalities to request that the city or town council in each of their respective towns meet to
8 decide whether or not to increase the appropriation for schools to meet expenditures. The decision
9 to increase any appropriations shall be conducted pursuant to the local charter or the public law
10 controlling the approval of appropriations within the municipality.

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

29 ~~(c) The auditor general shall select the auditor if the audit is not directly performed by~~
30 ~~his or her office.~~

31 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 amend the general power and duties of school committees. This act would
2 also add a member to the state advisory council on school finances, and require school districts to
3 utilize financing and accounting software systems provided by their respective municipal
4 appropriating authority.

5 This act would take effect upon passage.

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