

2018 -- S 2343 SUBSTITUTE A

LC004511/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

**RELATING TO EDUCATION -- STATE DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

Introduced By: Senators Pearson, Picard, Satchell, Gallo, and DiPalma

Date Introduced: February 15, 2018

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island
3 Board of Education Act]" is hereby amended to read as follows:

4 **16-1-5. Duties of commissioner of elementary and secondary education.**

5 It shall be the duty of the commissioner of elementary and secondary education:

- 6 (a)(1) To carry out the policies and program formulated by the board of regents for
7 elementary and secondary education.
- 8 (2) To evaluate credentials of applicants for certificates, to verify that the certification of
9 teachers is in accordance with law and established standards, and to issue certificates at the
10 direction of the board.
- 11 (3) To certify the approval of accredited schools.
- 12 (4) To recommend to the board an outline of the subjects and courses of study and the
13 instructional standards for elementary and secondary schools.
- 14 (5) To approve the distribution of state school funds in accordance with law and the
15 regulations of the board.
- 16 (6) To verify that school sites and school building plans are in accordance with law and
17 regulations.
- 18 (7) To exercise supervision over school libraries and library services.

1 (8) To certify that school bus routes and schedules and all contracts for pupil
2 transportation conform with provisions of law and the rules and regulations of the board.

3 (9) To require the observance of all laws relating to schools and education.

4 (10) To interpret school law and to decide such controversies as may be appealed to the
5 commissioner from decisions of local school committees.

6 (11) To prepare and recommend standard forms for the use of local schools.

7 (12) (i) To prepare, with the assistance of the department of administration, manuals of
8 uniform budgetary and standard financial records and procedures for local school officers. The
9 board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,
10 and those procedures should include, at a minimum, the following:

11 (A) Provision for uniform classification of revenues and expenditures;

12 (B) Requirements of detailed expenditure estimates and a table of organization including
13 the proposed staffing of each school;

14 (C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the
15 current and ensuing fiscal years; and

16 (ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000)
17 not otherwise appropriated shall be included in the appropriation made to support the department
18 of elementary and secondary education.

19 (13) To receive general supervision from the board of regents for elementary and
20 secondary education and to appoint the several officers and employees of the department subject
21 to the provisions of the State Merit System Act, chapters 3 and 4 of title 36.

22 (14) To establish health education, alcohol and substance abuse programs for students in
23 grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will
24 consist of the following: A mandated state health education, alcohol and substance abuse,
25 curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in
26 the areas of health, fitness, alcohol and substance abuse, and an in-service training program which
27 will be developed specifically for the implementation of the mandated curriculum.

28 (15) (i) To appoint a three (3) member committee for the purpose of choosing a "teacher
29 of the year" among teachers in public school grades kindergarten (K) through twelve (12). The
30 "teacher of the year" shall receive an award of one thousand dollars (\$1,000).

31 (ii) It is the intent of the general assembly that the funds necessary to carry out the
32 provisions of this subdivision shall be provided within the annual appropriations act.

33 [\(b\) The council on elementary and secondary education may grant a variance to any](#)
34 [provision of title 16 other than those enumerated in § 16-1-5.1 and to any department of](#)

1 elementary and secondary education regulation and to any school district regulation that does not
2 affect the health and safety or civil right of pupils in a public school.

3 SECTION 2. Chapter 16-1 of the General Laws entitled "State Department of Elementary
4 and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]"
5 is hereby amended by adding thereto the following section:

6 **16-1-5.1. Portions of title 16 applicability to public schools.**

7 The following provisions of this title shall be binding on public schools and may not be
8 waived by the council on elementary and secondary education under § 16-1-5:

- 9 (1) Section 16-2-2 (minimum length of school year);
- 10 (2) Section 16-2-17 (right to a safe school);
- 11 (3) Section 16-2-17.1 (limiting the use of out-of-school suspensions);
- 12 (4) Section 16-8-10 (federal funds for school lunch);
- 13 (5) Section 16-12-3 (duty to cultivate principles of morality);
- 14 (6) Section 16-12-10 (immunity for report of suspected substance abuse);
- 15 (7) Section 16-19-1 (compulsory attendance);
- 16 (8) Section 16-20-1 (school holidays enumerated);
- 17 (9) Sections 16-21-3 and 16-21-4 (fire safety);
- 18 (10) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 19 (11) Section 16-21-21.1 (penalties for drug, alcohol or weapons offense);
- 20 (12) Chapter 16-21.5 (student interrogations);
- 21 (13) Section 16-21.6-1 (regulating the use of Internet filtering in school);
- 22 (14) Section 16-22-9 (uniform testing);
- 23 (15) Section 16-24-2 (regulations of state board);
- 24 (16) Section 16-38-1 (discrimination because of race or age);
- 25 (17) Section 16-38-1.1 (discrimination because of sex);
- 26 (18) Section 16-38-2 (immunizations);
- 27 (19) Section 16-38-4 (exclusive club);
- 28 (20) Section 16-38-6 (commercial activities prohibited);
- 29 (21) Section 16-38-9 (misconduct of school officers);
- 30 (22) Section 16-38-10 (power of officials to visit schools);
- 31 (23) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 32 (24) Section 16-39-2 (appeal of school committee actions to commissioner);
- 33 (25) Section 16-39-3 (appeal to state board);
- 34 (26) Section 16-39-3.1 (enforcement of final decision);

- 1 (27) Section 16-39-3.2 (interim protective orders);
2 (28) Section 16-39-8 (subpoena power of commissioner);
3 (29) Section 16-40-16 (student records);
4 (30) Chapter 16-71 (Educational Record Bill of Rights Act);
5 (31) Chapter 16-103 (protecting student social media privacy);
6 (32) Section 16-104-1 (protecting student data-cloud information from being used for
7 commercial purposes); and
8 (33) Chapter 16-109 (protecting freedom of the press for student journalists).
9 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would authorize the council on elementary and secondary education to waive
2 certain provisions of the laws on elementary and secondary education for public schools but
3 would prohibit the waiver of other listed provisions.

4 This act would take effect upon passage.

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