

2010 -- S 2733

LC00313

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION

Introduced By: Senators Walaska, and Bates

Date Introduced: March 25, 2010

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-9 of the General Laws in Chapter 16-2 entitled "School  
2 Committees and Superintendents" is hereby amended to read as follows:

3 **16-2-9. General powers and duties of school committees.** -- (a) The entire care,  
4 control, and management of all public school interests of the several cities and towns shall be  
5 vested in the school committees of the several cities and towns. School committees shall have, in  
6 addition to those enumerated in this title, the following powers and duties:

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

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

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

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

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

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

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

- 1 (8) To provide for the location, care, control, and management of school facilities and  
2 equipment.
- 3 (9) To adopt a school budget to submit to the local appropriating authority.
- 4 (10) To adopt any changes in the school budget during the course of the school year.
- 5 (11) To approve expenditures in the absence of a budget, consistent with state law.
- 6 (12) To employ a superintendent of schools and assign any compensation and other  
7 terms and conditions as the school committee and superintendent shall agree, provided that in no  
8 event shall the term of employment of the superintendent exceed three (3) years. Nothing  
9 contained in this chapter shall be construed as invalidating or impairing a contract of a school  
10 committee with a school superintendent in force on May 12, 1978.
- 11 (13) To give advice and consent on the appointment by the superintendent of all school  
12 department personnel.
- 13 (14) To establish minimum standards for personnel, to adopt personnel policies, and to  
14 approve a table of organization.
- 15 (15) To establish standards for the evaluation of personnel.
- 16 (16) To establish standards for conduct in the schools and for disciplinary actions.
- 17 (17) To hear appeals from disciplinary actions.
- 18 (18) To enter into contracts. Provided, that a city or town council member of the  
19 municipality or municipalities which the school committee represents shall be a part of any  
20 contract negotiations a school committee is involved in, and said council member shall have the  
21 right to vote on any such contract to the extent members of the school committee vote thereon.  
22 The representative shall be selected by the members of the respective council.
- 23 (19) To publish policy manuals which shall include all school committee policies.
- 24 (20) To establish policies governing curriculum, courses of instruction, and text books.
- 25 (21) To provide for transportation services which meet or exceed standards of the board  
26 of regents for elementary and secondary education.
- 27 (22) To make any reports to the department of education as are required by the board of  
28 regents for elementary and secondary education.
- 29 (23) To delegate, consistent with law, any responsibilities to the superintendent as the  
30 committee may deem appropriate.
- 31 (24) To address the health and wellness of students and employees.
- 32 (25) To establish a subcommittee of the school board or committee to decrease obesity  
33 and address school health and wellness policies for students and employees consistent with  
34 section 16-21-28.

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

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

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

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

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

23 (g) Notwithstanding any other provision of law, whether of general or specific  
24 application, and notwithstanding any contrary provision of any city or town charter or ordinance,  
25 the elected school committee of any city, town and regional school district shall be, and is hereby  
26 authorized to retain the services of such independent legal counsel as it may deem necessary and  
27 convenient. Any counsel so retained shall be compensated out of funds duly appropriated to the  
28 school committee, and in no event shall the independent counsel be deemed to be an employee of  
29 the pertinent city or town for any purpose.

30 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

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- 1           This act would provide that a city or town council member would be included in any
- 2 contract negotiations a school committee is involved in.
- 3           This act would take effect upon passage.

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