

2013 -- H 5421

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LC00856
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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: Representatives Ajello, Tanzi, Ferri, McNamara, and Naughton

Date Introduced: February 13, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-97-1 of the General Laws in Chapter 16-97 entitled "The Rhode
2 Island Board of Education Act" is hereby amended to read as follows:

3 **16-97-1. Rhode Island board of education established.** -- (a) Effective ~~January 1~~
4 March 7, 2013, there is created a board of education which shall be and is constituted a public
5 corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to be
6 vested with all the powers and duties currently vested in the board of governors for higher
7 education established in chapter 16-59 and the board of regents for elementary and secondary
8 education established in chapter 16-60.

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

16 (c) The board of education shall consist of ~~eleven (11)~~ thirteen (13) public members as
17 follows: Eleven (11) public members and one exofficio and nonvoting higher education student
18 member who shall be a full-time student in good standing at the University of Rhode Island,
19 Rhode Island College or the Community College of Rhode Island appointed by the governor with

1 the advice and consent of the senate as well as one exofficio and nonvoting high school student
2 member elected pursuant to the provisions of subsection 16-97-1(f). Four (4) of the public
3 members initially appointed pursuant to this section shall serve terms of three (3) years; four (4)
4 public members initially appointed pursuant to this section shall serve terms of two (2) years; and,
5 three (3) public members initially appointed pursuant to this section shall serve terms of one year.
6 Thereafter, all public members appointed pursuant to this section shall serve terms of three (3)
7 years. No ~~board~~ public member shall be appointed to serve more than two (2) three (3) year
8 terms. Student higher education members shall be appointed for single two (2) year term and shall
9 rotate among the three (3) public higher education institutions. Student members shall have their
10 opinions on matters before the board duly recorded in its minutes.

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

14 (e) The statutory responsibilities of the department of elementary and secondary
15 education, the commissioner of elementary and secondary education, and the commissioner of
16 higher education shall remain unchanged. No later than ~~July 1~~ September 1, 2013, the board of
17 education shall submit to the governor and the general assembly its final plan for the permanent
18 administrative structure for higher education. As a requisite element of the administrative
19 structure for higher education, the board of education shall establish a plan for distributing the
20 assets, responsibilities, powers, authorities, and duties of the office of higher education to the
21 three (3) higher education institutions and appropriate state agencies. Said distribution shall be
22 done in a manner designed to maximize efficiency, provide greater articulation of the respective
23 responsibilities of elementary and secondary and higher education, and ensure that students are
24 prepared to succeed in school, college, careers, and life. The permanent governance structure for
25 higher education shall, at a minimum:

- 26 (1) Provide clear guidance on statutory, legal, financial and contractual obligations;
27 (2) Establish a policy framework that furthers the goals of this chapter; and
28 (3) Establish appropriate administrative structures, support, policies and procedures.

29 Effective July 1, 2014, the office of higher education shall be abolished.

30 (f) There is hereby established an elementary and secondary student advisory council to
31 the board of education, consisting of one elected high school student representative from each
32 public secondary school in the state of Rhode Island.

33 (1) Each public secondary school shall hold elections for its representative to the council
34 no earlier than the first (1st) day of March and no later than the end of the second (2nd) full week

1 of April. Each school shall elect only one representative. Elected members shall be notified of
2 their election on or before the Friday of third (3rd) week of April of the year of their election. No
3 person shall be eligible to be elected to the council unless at the time of his or her election he or
4 she is enrolled as a student in a secondary school between the grades of nine (9) and eleven (11)
5 within the state of Rhode Island. No person shall be allowed to vote if they are not currently
6 enrolled in a Rhode Island public secondary school between the grades of nine (9) and eleven
7 (11). If at any time during his or her term of office a member of the council ceases to be so
8 enrolled, his or her membership shall be terminated and his or her position shall be deemed
9 vacant. This vacancy shall be filled by the public secondary school within thirty (30) school days
10 of the opening of the vacancy.

11 (2) The council will serve from the first (1st) day of May of the year it is elected until the
12 last day of April of the following year. A student may serve no more than three (3) terms.

13 (3) Said council shall meet from time to time and shall consider such matters as it deems
14 appropriate.

15 (4) Prior to the first (1st) day of June of each annual session the council shall adopt a set
16 of bylaws.

17 (5) Members of the council shall not be compensated for service in attending meetings
18 except that they shall be reimbursed for necessary expenses incurred in travelling to and from
19 meetings.

20 (6) The members of said council shall, by majority vote prior to the first (1st) day of June
21 in each year, elected from among its members, a chairperson who shall serve for a term of one
22 year beginning on the first (1st) day of June. Said chairperson shall serve as an exofficio and
23 nonvoting member of the board of education for a term of one year, unless the council removes
24 said chairperson from his or her position in a manner described within the bylaws of that council
25 and/or if he or she is otherwise removed by governor.

26 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 -- THE RHODE ISLAND BOARD OF EDUCATION ACT

- 1 This act would establish an elementary and secondary student advisory council to the
- 2 board of education. It would also add two (2) student members to the board of education.
- 3 This act would take effect upon passage.

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