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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- COUNCIL ON POSTSECONDARY EDUCATION

Introduced By: Representatives Giraldo, and Alzate

Date Introduced: February 29, 2024

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-59-4 and 16-59-6 of the General Laws in Chapter 16-59 entitled
2 "Council on Postsecondary Education [See Title 16 Chapter 97 — The Rhode Island Board of
3 Education Act]" are hereby amended to read as follows:

4 **16-59-4. Powers and duties of the council on postsecondary education.**

5 The council on postsecondary education shall have, in addition to those enumerated in §
6 16-59-1, the following powers and duties:

7 (1) To approve a systematic program of information gathering, processing, and analysis
8 addressed to every level, aspect, and form of higher education in this state especially as that
9 information relates to current and future educational needs so that current needs may be met with
10 reasonable promptness and plans formulated to meet future needs as they arise in the most efficient
11 and economical manner possible.

12 (2) To ~~develop~~ review and approve ~~a~~ the strategic plan, prepared by the commissioner of
13 postsecondary education pursuant to §16-59-6, implementing broad goals and objectives for higher
14 education in the state as established by the board of education, including a comprehensive capital
15 development program.

16 (3) To formulate broad policy to implement the goals and objectives established and
17 adopted by the board of education; to adopt standards and require enforcement; and to exercise
18 general supervision over all higher public education in the state and over independent higher
19 education in the state as provided in subsections (8) and (9) of this section. The board of education

1 and the council shall not engage in the operation or administration of any subordinate committee,
2 university, junior college, or community college, except its own office of postsecondary education
3 and except as specifically authorized by an act of the general assembly; provided, the presidents of
4 each institution of higher learning shall be the chief administrative and executive officers of that
5 institution; and provided that nothing contained in this section shall prohibit their direct access to
6 or interfere with the relationship between the presidents and the board of education and the council.

7 (4) To communicate with and seek the advice of the commissioner of postsecondary
8 education, the presidents of the public higher education institutions, and all those concerned with,
9 and affected by, its determinations as a regular procedure in arriving at its conclusions and in setting
10 its policy.

11 (5) To prepare and maintain a five-year (5) funding plan for higher education that
12 implements the strategic financing recommendations of the board of education; to prepare, with the
13 assistance of the commissioner of postsecondary education, and to present annually to the state
14 budget officer, in accordance with § 35-3-4, a state higher education budget, which shall include,
15 but not be limited to, the budget of the office of postsecondary education and the budget of the state
16 colleges. In the preparation of the budget, the council shall implement priorities established by the
17 board of education of expenditures for public higher education purposes of state revenues and other
18 public resources made available for the support of higher public education. Prior to submitting the
19 budget to the state budget officer as required by the budget office instructions and this subsection,
20 the council shall present the budget to the board of education for its review and approval. Nothing
21 contained in this subdivision shall authorize the council to alter the allocation of grants or aid
22 otherwise provided by law.

23 (6) To maintain an office of postsecondary commissioner; to provide for its staffing and
24 organization; and to manage and oversee a commissioner of postsecondary education pursuant to
25 duties and responsibilities defined in §§ 16-59-6 and 16-59-7 [repealed]. The commissioner of
26 postsecondary education and the office of postsecondary commissioner shall have the duties and
27 responsibilities as defined in §§ 16-59-6 and 16-59-7 [repealed].

28 (7) To appoint and dismiss presidents of the public institutions of higher learning with the
29 assistance of the commissioner of postsecondary education, and to establish procedures for this,
30 and with the assistance of the commissioner to approve or disapprove vice presidents of the public
31 institutions of higher learning appointed by the respective presidents of the public institutions of
32 higher learning.

33 (8) To establish other educational agencies or subcommittees necessary or desirable for the
34 conduct of any or all aspects of higher education and to determine all powers, functions, and

1 composition of any agencies or subcommittees and to dissolve them when their purpose shall have
2 been fulfilled.

3 (9) To exercise the authority vested in the board of regents for education with relation to
4 independent higher educational institutions within the state under the terms of chapter 40 of this
5 title, and other laws affecting independent higher education in the state.

6 (10) To enforce the provisions of all laws relating to higher education, public and
7 independent.

8 (11) To be responsible for all the functions, powers, and duties that were vested in the board
9 of regents for education relating to higher education, including, but not limited to, the following
10 specific functions:

11 (i) To approve the role and scope of programs at public institutions of higher learning with
12 the assistance of the commissioner of postsecondary education which shall include, but not be
13 limited to, populations to be served, the type and level of programs, and academic fields offered.

14 (ii) To adopt and require standard accounting procedures for the office of postsecondary
15 commissioner and all public colleges and universities.

16 (iii) To approve a clear and definitive mission for each public institution of higher learning
17 with the assistance of the commissioner of postsecondary education that is consistent with the role
18 and scope of programs at the public institutions.

19 (iv) To promote maximum efficiency, economy, and cooperation in the delivery of public
20 higher educational services in the state and cooperation with independent institutions of higher
21 education.

22 (12) To incorporate into its own affirmative action reporting process periodic reports
23 monitoring specific faculty and staff searches by the chairperson of the search committee to include
24 the rationale for granting those interviews and the final hiring results. The institutions must
25 empower their affirmative action officer to monitor searches in this manner; to intervene during the
26 search; and, when necessary, to cause a search to cease if affirmative action goals are not being
27 adequately served.

28 (13) To incorporate a specific category for accountability on affirmative action goals and
29 implementation as part of the board's annual evaluations and three-year (3) reviews for the
30 presidents of each of the public institutions of higher education.

31 (14) To make a formal request of the governor that, whenever an opportunity arises to make
32 new appointments to the board, that the governor make every effort to increase the number of
33 African Americans, Native Americans, Asians, and Hispanics on the board.

34 (15) To develop coherent plans for the elimination of unnecessary duplication in public

1 higher education and addressing the future needs of public education within the state in the most
2 efficient and economical manner possible.

3 (16) To delegate to the presidents of each public higher education institution the authority
4 and responsibility for operational and management decisions related to their institutions, consistent
5 with the goals of the statewide strategic plan for postsecondary education; provided, however, that
6 the presidents may be required to provide information or updates to the council regarding any
7 delegated operational or management decisions.

8 (17) To approve application and renewal fees for all postsecondary institutions situated in
9 Rhode Island, public or private, that choose to participate in an interstate, postsecondary distance-
10 education reciprocity agreement.

11 (18) To the extent necessary for participation, and to the extent required and stated in an
12 interstate distance-learning reciprocity agreement, the council shall promulgate procedures to
13 address complaints received from out-of-state students in connection with, or related to, any Rhode
14 Island postsecondary institution, public or private, that has been approved to participate in an
15 interstate distance-learning reciprocity agreement.

16 (19) To serve as the governing body of the division of higher education assistance and
17 exercise all powers and duties of the division of higher education assistance as set forth under the
18 terms of Chapter 57 of this title; however, any debts, liabilities, or obligations of the council that
19 result from its status as such governing body shall be payable solely from the revenues or assets of
20 reserve funds set forth and established by the prior Rhode Island higher education assistance
21 authority and/or the Rhode Island division of higher education assistance created pursuant to
22 Chapter 57 of this title, and not from any assets or property held by the council on postsecondary
23 education pursuant to this chapter.

24 (20) To guarantee one hundred percent (100%) of the unpaid principal and accrued interest
25 of any eligible loan made by a lender to any eligible borrower in existence prior to July 1, 2015,
26 for the purpose of assisting the students in obtaining an education in an eligible institution, subject,
27 however, to the limitation regarding any debts, liabilities, or obligations of the council set forth in
28 subsection (19) above, and in § 16-57-12.

29 (21) To prescribe rules and regulations deemed necessary or desirable to carry out the
30 purposes of serving as a guaranty agency for the loans set forth in subsection (20) of this section,
31 including without limitation rules and regulations:

32 (i) To ensure compliance by the division with the requirements imposed by statutes or
33 regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by federal
34 agencies, instrumentalities, or corporations;

1 (ii) To set standards of eligibility for educational institutions, students, and lenders and to
2 define residency and all other terms as the division deems necessary to carry out the purposes of
3 this chapter; and

4 (iii) To set standards for the administration of programs of postsecondary student financial
5 assistance assigned by law to the division, including but not limited to savings programs.
6 Administrative rules governing savings programs shall authorize the division, in conjunction with
7 the commissioner of postsecondary education, to negotiate reciprocal agreements with institutions
8 in other states offering similar savings programs for the purpose of maximizing educational benefits
9 to students in this state.

10 (22) To establish penalties for violations of any order, rule, or regulation of the division,
11 and a method for enforcing these.

12 (23) To set and collect fees and charges, in connection with its guaranties and servicing,
13 including without limitation reimbursement of costs of financing by the division, service charges,
14 and insurance premiums and fees and costs associated with implementing and administering
15 savings programs established pursuant to this chapter.

16 (24) To hold and operate property previously held by the higher education assistance
17 authority in trust for the state, and to acquire, hold, and dispose of the property and other like
18 property as deemed necessary for the execution of its corporate purposes.

19 (25) To direct the public colleges of higher education to adopt and, upon approval by the
20 council, execute a process to accept the advanced placement subject test scores of students who
21 obtain a three (3) or better in any advanced placement course for college credit.

22 **16-59-6. Commissioner of postsecondary education.**

23 The council on postsecondary education, with approval of the board, shall appoint a
24 commissioner of postsecondary education, who shall serve at the pleasure of the council, provided
25 that his or her initial engagement by the council shall be for a period of not more than three (3)
26 years. For the purpose of appointing, retaining, or dismissing a commissioner of postsecondary
27 education, the governor shall serve as an additional voting member of the council. The position of
28 commissioner shall be in the unclassified service of the state and he or she shall serve as the chief
29 executive officer of the council on postsecondary education, the chief administrative officer of the
30 office of postsecondary commissioner, and the executive director of the division of higher
31 education assistance. The commissioner of postsecondary education shall have any duties that are
32 defined in this section and in this title and other additional duties as may be determined by the
33 council, and shall perform any other duties as may be vested in him or her by law. In addition to
34 these duties and general supervision of the office of postsecondary commissioner and the

1 appointment of the several officers and employees of the office, it shall be the duty of the
2 commissioner of postsecondary education:

3 (1) To develop and implement a systematic program of information gathering, processing,
4 and analysis addressed to every aspect of higher education in the state, especially as that
5 information relates to current and future educational needs.

6 (2) To prepare a strategic plan for public higher education in the state ~~aligned with to~~
7 implement the goals of the board of education's strategic plan; and to coordinate the goals and
8 objectives of the higher public education sector with the goals of the council on elementary and
9 secondary education and activities of the independent higher education sector where feasible.

10 (3) To communicate with, and seek the advice of those concerned with, and affected by the
11 board of education's and council's determinations.

12 (4) To implement broad policy as it pertains to the goals and objectives established by the
13 board of education and council on postsecondary education; to promote better coordination
14 between higher public education in the state, independent higher education in the state as provided
15 in subsection (10) of this section, and preK-12 education; to assist in the preparation of the budget
16 for public higher education; and to be responsible, upon direction of the council, for the allocation
17 of appropriations, the acquisition, holding, disposition of property.

18 (5) To be responsible for the coordination of the various higher educational functions of
19 the state so that maximum efficiency and economy can be achieved.

20 (6) To assist the board of education in preparation and maintenance of a five-year (5)
21 strategic funding plan for higher education; to assist the council in the preparation and presentation
22 annually to the state budget officer in accordance with § 35-3-4 of a total, public higher educational
23 budget.

24 (7) To recommend to the council on postsecondary education, after consultation with the
25 presidents, a clear and definitive mission for each college.

26 (8) To annually recommend to the council on postsecondary education, after consultation
27 with the presidents, the creation, abolition, retention, or consolidation of departments, divisions,
28 programs, and courses of study within the public colleges to eliminate unnecessary duplication in
29 public higher education, to address the future needs of public higher education in the state, and to
30 advance proposals recommended by the presidents of the public colleges pursuant to §§ 16-33-2.1
31 and 16-33.1-2.1.

32 (9) To supervise the operations of the office of postsecondary commissioner, including the
33 division of higher education assistance, and any other additional duties and responsibilities that
34 may be assigned by the council.

1 (10) To perform the duties vested in the council with relation to independent higher
2 educational institutions within the state under the terms of chapter 40 of this title and any other
3 laws that affect independent higher education in the state.

4 (11) To be responsible for the administration of policies, rules, and regulations of the
5 council on postsecondary education with relation to the entire field of higher education within the
6 state, not specifically granted to any other department, board, or agency and not incompatible with
7 law.

8 (12) To prepare standard accounting procedures for public higher education and all public
9 colleges.

10 (13) To carry out the policies and directives of the board of education and the council on
11 postsecondary education through the office of postsecondary commissioner and through utilization
12 of the resources of the public colleges.

13 (14) To enter into interstate reciprocity agreements regarding the provision of
14 postsecondary distance education; to administer such agreements; to approve or disapprove
15 applications to voluntarily participate in such agreements from postsecondary institutions that have
16 their principal place of business in Rhode Island; and to establish annual fees, with the approval of
17 the council on postsecondary education, for aforesaid applications to participate in an interstate
18 postsecondary distance education reciprocity agreement.

19 (15) To the extent necessary for participation, and to the extent required and stated in any
20 distance learning reciprocity agreement, to implement procedures to address complaints received
21 from out-of-state students in connection with, or related to, any Rhode Island postsecondary
22 institution, public or private, that has been approved to participate in said reciprocity agreement.

23 (16) To oversee the processes that the community college of Rhode Island, Rhode Island
24 college, and the university of Rhode Island adopt and execute, pursuant to §§ 16-32-2(i) and 16-
25 59-4(25), to accept advanced placement subject test scores of students who obtain a three (3) or
26 better in any advanced placement course for college credit.

27 (17) To collect data annually related to awarding college credit to students who receive test
28 scores of three (3) or higher on advanced placement courses, including, but not limited to:

29 (i) The number of students who receive college credit at each public institution of higher
30 learning for obtaining advanced placement test scores of three (3) or higher;

31 (ii) The number of college credits issued by the community college of Rhode Island, Rhode
32 Island college, and the university of Rhode Island due to students' advanced placement subject test
33 scores of three (3) ("qualified") or better in any advanced placement course; and

34 (iii) Any other relevant data as determined by the commissioner.

1 (18) To exercise all powers and duties of the division of higher education assistance as set
2 forth under the terms of chapter 57 of this title.

3 SECTION 2. Chapter 16-59 of the General Laws entitled "Council on Postsecondary
4 Education [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby
5 amended by adding thereto the following section:

6 **16-59-6.1. Commissioner of postsecondary education -- Additional duties.**

7 (a) In addition to the duties that are set forth in § 16-59-6, that may be determined by the
8 council on postsecondary education, and that may be vested in the commissioner of postsecondary
9 education (the "commissioner") by law, the commissioner shall:

10 (1) Prepare a strategic plan for public higher education in the state, pursuant to § 16-59-
11 6(2). The strategic plan for public higher education shall:

12 (i) Be aligned with the goals of the board of education's strategic plan for education;

13 (ii) Be developed with input from the governing bodies of the state's public institutions of
14 higher learning;

15 (iii) Direct public higher education to be accountable for increasing the educational
16 attainment levels of Rhode Islanders;

17 (iv) Be reviewed and revised as deemed appropriate by the commissioner, but, in any event,
18 at least once every three (3) years;

19 (v) Be approved by the council on postsecondary education; and

20 (vi) Include, but not be limited to, proposals for:

21 (A) Addressing the state's economic development, workforce development and research
22 needs;

23 (B) Ensuring increased degree production;

24 (C) Using institutional mission differentiation to realize statewide efficiencies through
25 institutional collaboration and minimized redundancy in degree offerings; and

26 (D) Consolidating services and standardizing processes between the public institutions of
27 higher learning to improve efficiency and effectiveness in areas including, but not limited to,
28 student services, academic support, and institutional support.

29 (2) Make funding recommendations to the public institutions of higher learning. The
30 recommendations shall:

31 (i) Include, but not be limited to, proposals for implementing the strategic plan for public
32 higher education; and

33 (ii) Be provided to the general assembly, the governor, and the council on postsecondary
34 education on an annual basis.

1 (3) Consult with the public institutions of higher learning to develop policies and guidelines
2 for the equitable distribution of public funds among them in a way that furthers the goals of the
3 strategic plan for public higher education. The policies or guidelines shall result in an outcomes-
4 based model. This model shall emphasize outcomes across a range of variables that shall be
5 weighted to reinforce each institution's mission and provide incentives for productivity
6 improvements consistent with the strategic plan for public higher education.

7 (i) In the implementation of this subsection, the commissioner shall consult with the state's
8 general treasurer and the office of management and budget to establish uniform standards of
9 accounting, records, and statistical reporting systems in accordance with accepted national
10 standards.

11 (4) That an associate of science or associate of arts degree from the community college of
12 Rhode Island shall be deemed to have met all general education and core requirements for transfer
13 to a Rhode Island public institution of higher learning as a junior. Notwithstanding this provision,
14 admission into a particular program, school, or college within the institution shall remain
15 competitive in accordance with generally applicable policies.

16 (5) That community college students who wish to earn baccalaureate degrees in the state's
17 public higher education system shall be provided with clear and effective information and
18 directions that specify curricular paths to a degree. Such information shall include, but is not limited
19 to:

20 (i) Listings of course offerings that clearly identify courses that are not designed to be
21 transferable under the provisions of this subsection.

22 (6) In developing policies to implement the provisions of this section, the office of the
23 postsecondary commissioner shall seek input from and the participation of faculty and the
24 appropriate administrative staff, in accordance with existing faculty union contracts and shared
25 governance practices.

26 (b) The provisions of this section shall be fully implemented no later than the beginning of
27 the 2026-2027 academic year. At the start of the 2025-2026 academic year, and at the start of each
28 academic year thereafter, the commissioner shall report to the senate president and the speaker of
29 the house regarding the implementation of this section.

30 SECTION 3. 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 -- COUNCIL ON POSTSECONDARY EDUCATION

1 This act would assign additional duties to the commissioner of postsecondary education,
2 including, but not limited to, preparing a strategic plan for public higher education which is aligned
3 with the goals of the board of education's strategic plan and which would provide for equitable
4 distribution of public funds. This act would also provide that any policies and goals adopted would
5 have an outcomes-based model emphasizing outcomes across a range of variables.

6 This act would take effect upon passage.

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