

2020 -- H 7848

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO EDUCATION-- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: February 26, 2020

Referred To: House Municipal Government

(by request)

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 [See Title 16 Chapter 97 - The Rhode Island Board of Education
3 Act]" is hereby amended to read as follows:

4 **16-2-9. General powers and duties of school committees. [Effective January 1, 2020.]**

5 (a) Unless the responsibility is otherwise delegated by this chapter, the entire care, control,
6 and management of all public school interests of the several cities and towns shall be vested in the
7 school committees of the several cities and towns. School committees shall have, in addition to
8 those enumerated in this title, the following powers and duties:

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

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

11 (3) To provide for and ensure the implementation of federal and state laws, the regulations
12 of the council on elementary and secondary education, and local school policies, programs, and
13 directives.

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

15 (5) To have responsibility for the 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 able

1 to do as a result of their educational experience. The committee shall periodically evaluate the
2 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.

5 (9) To adopt a school budget to submit to the local appropriating authority.

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

7 (11) To approve expenditures in the absence of a budget, consistent with state law.

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

13 (13) [Deleted by P.L. 2019, ch. 224, § 2 and P.L. 2019, ch. 259, § 2].

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

16 (15) To establish standards for the evaluation of personnel.

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

18 (17) To hear appeals from disciplinary actions.

19 (18) To enter into contracts; provided, however, that any contract modification, change
20 orders or supplemental agreements to an existing contract that will result in a monetary increase in
21 excess of one million dollars (\$1,000,000) shall be subject to the procurement procedures contained
22 in chapter 55 of title 45; provided, ~~however~~ further, that notwithstanding any other provision of the
23 general or public laws, whether of specific or general application, and notwithstanding the
24 provisions of any charter of any municipality where the school committee is appointed and not
25 elected, but not including, the Central Falls school district board of trustees established by § 16-2-
26 34, the power and duty to enter into collective bargaining agreements shall be vested in the chief
27 executive officer of the municipality and not in the school committee.

28 (19) To publish policy manuals that shall include all school committee policies.

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

30 (21) To provide for transportation services that meet or exceed standards of the council on
31 elementary and secondary education.

32 (22) To make any reports to the department of education as are required by the council on
33 elementary and secondary education.

34 (23) To delegate, consistent with law, any responsibilities to the superintendent as the

1 committee may deem appropriate.

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

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

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

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

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

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

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

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

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

1 town for any purpose.

2 SECTION 2. Chapter 45-55 of the General Laws entitled "Award of Municipal Contracts"
3 is hereby amended by adding thereto the following section:

4 **45-55-9.1. Change orders, contract modifications and supplemental agreements.**

5 Any municipal contract awarded exceeding the amount provided by § 45-55-9 requiring
6 change orders, contract modifications or supplemental agreements in excess of one million dollars
7 (\$1,000,000) shall be subject to the procurement procedures required for the initial award of the
8 contract pursuant to this chapter.

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 require that any municipal contract modifications, change orders or
2 supplemental agreements to an existing contract in excess of one million dollars (\$1,000,000) shall
3 be subject to the procurement procedures required for the initial award of the contract.

4 This act would take effect upon passage.

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