

2022 -- S 2279 SUBSTITUTE A

LC004544/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

**RELATING TO EDUCATION -- ACCESS TO ADVANCED PLACEMENT COURSES FOR
ALL STUDENTS ACT**

Introduced By: Senators Lawson, Cano, DiMario, Murray, Ciccone, Picard, Lombardo,
Seveney, Quezada, and Euer

Date Introduced: February 15, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-32-2 of the General Laws in Chapter 16-32 entitled "University
2 of Rhode Island [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
3 amended to read as follows:

4 **16-32-2. Board of Trustees established.**

5 (a) There is hereby created a board of trustees for the university of Rhode Island, sometimes
6 referred to as the "board" or "board of trustees," which shall be and is constituted a public
7 corporation, empowered to sue and be sued in its own name; to borrow money; to compromise and
8 settle claims; to have a seal; and to make and execute contracts and other instruments necessary or
9 convenient to the exercise of its powers; and to exercise all the powers, in addition to those
10 specifically enumerated in this chapter, usually appertaining to public corporations entrusted with
11 control of postsecondary educational institutions and functions. Upon its organization, the board
12 shall be vested with the legal title to all property, real and personal, now owned by and/or under
13 the control or in the custody of the council on postsecondary education for the use of the university
14 of Rhode Island, including all its departments, divisions, and branches, sometimes referred to as
15 the property.

16 (b) The board is empowered to hold and operate the property in trust for the state; to
17 acquire, hold, and dispose of the property and other like property as deemed necessary for the
18 execution of its corporate purposes. The board is made successor to all powers, rights, duties, and

1 privileges for the university of Rhode Island formerly belonging to the council on postsecondary
2 education pertaining to postsecondary education and the board of governors for higher education.

3 (c) The board shall be the employer of record for the university. It shall retain all authority
4 formerly vested in the council on postsecondary education and the board of education regarding
5 the employment of faculty and staff at the university of Rhode Island. The board shall appoint the
6 president of the university and shall review their performance on an annual basis.

7 (1) The board is empowered to enter into contracts and agreements with the council on
8 postsecondary education and/or the department of administration related to employee benefits,
9 including but not limited to retirement benefits, health, dental, vision and life insurance, disability
10 insurance, workers' compensation, and tuition waivers to maximize the state's and university's
11 purchasing and investment portfolio and educational opportunities for the benefit of its employees.

12 (2) The board is empowered to enter into collective bargaining agreements as appropriate
13 with its employees and all existing collective bargaining agreements in effect when the board is
14 established pursuant to § 16-32-2.2 shall be transferred from the council on postsecondary
15 education to the board.

16 (d) The board shall make rules and regulations for the control and use of all public
17 properties and highways under its care, and for violations of those rules and regulations; penalties,
18 up to one hundred dollars (\$100) and costs for any one offense, may be imposed by any district
19 court or police court in the city or town where the violation occurs; and, in general, the board shall
20 take all actions necessary for the proper execution of the powers and duties granted to, and imposed
21 upon, the board by the terms of this chapter.

22 (e) The board shall make rules and regulations pursuant to chapter 2 of title 37 to implement
23 its responsibilities as a public agency for procurement purposes as defined in § 37-2-7(16).

24 (f) The board shall evaluate data on which to base performance of the university as
25 described in subsection (g) of this section which shall be defined by the president of the university.
26 These measures may include and incorporate outcomes or goals from multiple, previous years. The
27 lack of information from previous years, however, will not affect the use of performance-based
28 measures.

29 (g) The university of Rhode Island shall have unique measures consistent with its purpose,
30 role, scope, and mission. The board shall provide faculty and students an opportunity to provide
31 input on the development of performance measures.

32 (1) The performance-based measures shall include, but not be limited to, the following
33 metrics:

34 (i) The number and percentage, including growth in relation to enrollment and prior years

1 of bachelor's degrees awarded to first-time, full-time students within four (4) years and six (6)
2 years, including summer graduates;

3 (ii) The number of degrees awarded that are tied to Rhode Island's high demand, high-wage
4 employment opportunities consistent with the institution's mission;

5 (iii) One metric that applies only to the university, in consultation with the president, which
6 shall consider faculty, staff, and student input; and

7 (iv) Any other metrics that are deemed appropriate by the board.

8 (2) Weight may be assigned to any of the aforementioned metrics to reinforce the mission
9 of the university, the economic needs of the state, and the socio-economic status of the students.

10 (h) The board shall hold the university accountable for developing and implementing
11 transfer pathways for students from the community college of Rhode Island and Rhode Island
12 college.

13 (i) The board shall adopt a process requiring every academic program at the university to
14 accept for credit the advanced placement subject test scores of students who obtain a three (3) or
15 better in any advanced placement course.

16 ~~(i)~~(j) The board shall adopt a process requiring every academic program at the university
17 to accept for credit the advanced placement subject test scores of students who obtain a three (3) or
18 better in any advanced placement course. The board shall supervise, coordinate, and/or authorize
19 audits, civil and administrative investigations, and inspections or oversight reviews, when
20 necessary, relating to expenditure of state or federal funds, or to any and all university programs
21 and operations, as well as the procurement of any supplies, services, or construction, by the
22 university. In the course of an audit or investigation, the board authorized auditor(s) shall review
23 statutes and regulations of the university and shall determine if the university is in compliance and
24 shall make recommendations concerning the efficiency of operations, and the effect of such statutes
25 or regulations on internal controls and the prevention and detection of fraud, waste, and abuse. The
26 board authorized auditor(s) may recommend policies or procedures that may strengthen internal
27 controls, or assist in the prevention or detection of fraud, waste, and abuse or mismanagement. Any
28 audits conducted shall be transmitted to the office of internal audit established in chapter 7.1 of title
29 35.

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

33 **16-59-4. Powers and duties of the council on postsecondary education.**

34 The council on postsecondary education shall have, in addition to those enumerated in §

1 16-59-1, the following powers and duties:

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

7 (2) To develop and approve a strategic plan implementing broad goals and objectives for
8 higher education in the state as established by the board of education, including a comprehensive
9 capital development program.

10 (3) To formulate broad policy to implement the goals and objectives established and
11 adopted by the board of education; to adopt standards and require enforcement; and to exercise
12 general supervision over all higher public education in the state and over independent higher
13 education in the state as provided in subdivision (8) and (9) of this section. The board of education
14 and the council shall not engage in the operation or administration of any subordinate committee,
15 university, junior college, or community college, except its own office of postsecondary education
16 and except as specifically authorized by an act of the general assembly; provided, the presidents of
17 each institution of higher learning shall be the chief administrative and executive officers of that
18 institution; and provided that nothing contained in this section shall prohibit their direct access to
19 or interfere with the relationship between the presidents and the board of education and the council.

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

24 (5) To prepare and maintain a five-year (5) funding plan for higher education that
25 implements the strategic financing recommendations of the board of education; to prepare, with the
26 assistance of the commissioner of postsecondary education, and to present annually to the state
27 budget officer, in accordance with § 35-3-4, a state higher education budget, which shall include,
28 but not be limited to, the budget of the office of postsecondary education and the budget of the state
29 colleges. In the preparation of the budget, the council shall implement priorities established by the
30 board of education of expenditures for public higher education purposes of state revenues and other
31 public resources made available for the support of higher public education. Prior to submitting the
32 budget to the state budget officer as required by the budget office instructions and this subsection,
33 the council shall present the budget to the board of education for its review and approval. Nothing
34 contained in this subdivision shall authorize the council to alter the allocation of grants or aid

1 otherwise provided by law.

2 (6) To maintain an office of postsecondary commissioner; to provide for its staffing and
3 organization; and to manage and oversee a commissioner of postsecondary education pursuant to
4 duties and responsibilities defined in §§ 16-59-6 and 16-59-7. The commissioner of postsecondary
5 education and the office of postsecondary commissioner shall have the duties and responsibilities
6 as defined in §§ 16-59-6 and 16-59-7.

7 (7) To appoint and dismiss presidents of the public institutions of higher learning with the
8 assistance of the commissioner of postsecondary education, and to establish procedures for this,
9 and with the assistance of the commissioner to approve or disapprove vice presidents of the public
10 institutions of higher learning appointed by the respective presidents of the public institutions of
11 higher learning.

12 (8) To establish other educational agencies or subcommittees necessary or desirable for the
13 conduct of any or all aspects of higher education and to determine all powers, functions, and
14 composition of any agencies or subcommittees and to dissolve them when their purpose shall have
15 been fulfilled.

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

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

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

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

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

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

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

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

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

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

13 (15) To develop coherent plans for the elimination of unnecessary duplication in public
14 higher education and addressing the future needs of public education within the state in the most
15 efficient and economical manner possible.

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

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

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

29 (19) To serve as the governing body of the division of higher education assistance and
30 exercise all powers and duties of the division of higher education assistance as set forth under the
31 terms of Chapter 57 of this title; however, any debts, liabilities, or obligations of the council that
32 result from its status as such governing body shall be payable solely from the revenues or assets of
33 reserve funds set forth and established by the prior Rhode Island higher education assistance
34 authority and/or the Rhode Island division of higher education assistance created pursuant to

1 Chapter 57 of this title, and not from any assets or property held by the council on postsecondary
2 education pursuant to this chapter.

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

8 (21) To prescribe rules and regulations deemed necessary or desirable to carry out the
9 purposes of serving as a guaranty agency for the loans set forth in § 16-59-4(20), including without
10 limitation rules and regulations:

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

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

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

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

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

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

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

1 **16-59-6. Commissioner of postsecondary education.**

2 The council on postsecondary education, with approval of the board, shall appoint a
3 commissioner of postsecondary education, who shall serve at the pleasure of the council, provided
4 that his or her initial engagement by the council shall be for a period of not more than three (3)
5 years. For the purpose of appointing, retaining, or dismissing a commissioner of postsecondary
6 education, the governor shall serve as an additional voting member of the council. The position of
7 commissioner shall be in the unclassified service of the state and he or she shall serve as the chief
8 executive officer of the council on postsecondary education, the chief administrative officer of the
9 office of postsecondary commissioner, and the executive director of the division of higher
10 education assistance. The commissioner of postsecondary education shall have any duties that are
11 defined in this section and in this title and other additional duties as may be determined by the
12 council, and shall perform any other duties as may be vested in him or her by law. In addition to
13 these duties and general supervision of the office of postsecondary commissioner and the
14 appointment of the several officers and employees of the office, it shall be the duty of the
15 commissioner of postsecondary education:

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

19 (2) To prepare a strategic plan for higher education in the state aligned with the goals of
20 the board of education's strategic plan; to coordinate the goals and objectives of the higher public
21 education sector with the goals of the council on elementary and secondary education and activities
22 of the independent higher education sector where feasible.

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

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

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

33 (6) To assist the board of education in preparation and maintenance of a five-year (5)
34 strategic funding plan for higher education; to assist the council in the preparation and presentation

1 annually to the state budget officer in accordance with § 35-3-4 of a total, public higher educational
2 budget.

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

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

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

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

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

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

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

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

32 (15) To the extent necessary for participation, and to the extent required and stated in any
33 distance learning reciprocity agreement, to implement procedures to address complaints received
34 from out-of-state students in connection with, or related to, any Rhode Island postsecondary

1 institution, public or private, that has been approved to participate in said reciprocity agreement.

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

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

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

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

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

14 ~~(16)~~(18) To exercise all powers and duties of the division of higher education assistance as
15 set forth under the terms of chapter 57 of this title.

16 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 -- ACCESS TO ADVANCED PLACEMENT COURSES FOR
ALL STUDENTS ACT

1 This act would direct the public institutions of higher education to adopt and execute a
2 process to accept the advanced placement subject test scores of students who obtain a three (3) or
3 better in any advanced placement course for college credit. This act would also direct the
4 commissioner of postsecondary education to collect data annually related to awarding college credit
5 to students who receive test scores of three (3) or higher on advanced placement courses.

6 This act would take effect upon passage.

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