

2010 -- S 2404

LC01855

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senators Pinga, E O'Neill, Cote, Raptakis, and Maher

Date Introduced: February 11, 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. Notwithstanding the
11 aforementioned, no compensation shall be offered to a superintendent of school's without prior
12 approval of the city or town council.
- 13 (13) To give advice and consent on the appointment by the superintendent of all school
14 department personnel.
- 15 (14) To establish minimum standards for personnel, to adopt personnel policies, and to
16 approve a table of organization.
- 17 (15) To establish standards for the evaluation of personnel.
- 18 (16) To establish standards for conduct in the schools and for disciplinary actions.
- 19 (17) To hear appeals from disciplinary actions.
- 20 (18) To enter into contracts; provided, however, that all contracts, including contracts of
21 employment, must be ratified by the local taxing authority.
- 22 (19) To publish policy manuals which shall include all school committee policies.
- 23 (20) To establish policies governing curriculum, courses of instruction, and text books.
- 24 (21) To provide for transportation services which meet or exceed standards of the board
25 of regents for elementary and secondary education.
- 26 (22) To make any reports to the department of education as are required by the board of
27 regents for elementary and secondary education.
- 28 (23) To delegate, consistent with law, any responsibilities to the superintendent as the
29 committee may deem appropriate.
- 30 (24) To address the health and wellness of students and employees.
- 31 (25) To establish a subcommittee of the school board or committee to decrease obesity
32 and address school health and wellness policies for students and employees consistent with
33 section 16-21-28.
- 34 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers

1 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or
2 to allow any school committee to abrogate any agreement reached by collective bargaining.

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

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

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

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

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

29 SECTION 2. 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 all school contracts, including contracts of employment, must
2 be ratified by the local taxing authority. It would also require any compensation to the school
3 superintendent be approved by the city or town council.

4 This act would take effect upon passage.

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