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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

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A N A C T

RELATING TO EDUCATION - THE BOARD OF REGENTS FOR EDUCATION

Introduced By: Representatives Ferri, E Coderre, Hearn, Walsh, and Reilly

Date Introduced: May 19, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
2 by adding thereto the following chapter:

3 CHAPTER 93

4 THE BOARD OF REGENTS FOR EDUCATION

5 **16-93-1. Purpose.** – The purpose of this chapter is to combine and consolidate the  
6 powers, duties, functions, and personnel of the former board of governors for higher education as  
7 formerly set forth in chapter 16-59 ("Board of Governors for Higher Education") and the former  
8 board of regents for elementary and secondary education as formerly set forth in chapter 16-60  
9 ("Board of Regents for Elementary and Secondary Education") into one newly created entity, the  
10 board of regents for education, in order to develop a unified plan for all levels of education in  
11 Rhode Island.

12 **16-93-2. Board of regents for education established.** -- (a) Effective March 1, 2012,  
13 there is created the board of regents for education, sometimes referred to as the "board" or the  
14 "board of regents", which shall be and is constituted a public corporation, empowered to sue and  
15 be sued in its own name, to have a corporate seal, and to exercise all the powers, in addition to  
16 those specifically enumerated in this chapter, usually appertaining to public corporations  
17 entrusted with control of elementary, secondary, and postsecondary educational institutions and  
18 functions. The board shall be protected from sudden changes in membership and reversal of  
19 policy by having staggered terms for its members. Upon its organization the board of regents

1 shall be invested with the legal title (in trust for the state) to all property, real and personal:

2 (1) Then owned by and/or under the control or in custody of the board of regents for  
3 education for the use of the University of Rhode Island, Rhode Island College, Community  
4 College of Rhode Island and the system of community colleges of Rhode Island including all  
5 departments, divisions, and branches of these;

6 (2) Otherwise owned by and/or under the control of either and/or both the former board  
7 of governors for higher education as formerly set forth in chapter 16-59 (“Board of Governors for  
8 Higher Education”) and/or the former board of regents for elementary and secondary education as  
9 formerly set forth in chapter 16-60 (“Board of Regents for Elementary and Secondary  
10 Education”).

11 (b) The board of regents is empowered to hold and operate the property in trust for the  
12 state; to acquire, hold, and dispose of the property and other like property as deemed necessary  
13 for the execution of its corporate purposes. The board of regents is made successor to all powers,  
14 rights, duties, and privileges formerly belonging to the board of governors for higher education as  
15 formerly set forth in chapter 16-59 (“Board of Governors for Higher Education”) and/or the  
16 former board of regents for elementary and secondary education as formerly set forth in chapter  
17 16-60 (“Board of Regents for Elementary and Secondary Education”).

18 (c) The board of regents shall consist of fifteen (15) members appointed pursuant to the  
19 terms of section 16-93-2.

20 (d) The members of the board of regents shall not be compensated for their service in  
21 attending meetings or duly organized subcommittee meetings of the board.

22 (e) The governor shall designate one of the members as chairperson of the board of  
23 regents. The board may elect from among its members such other officers as it deems necessary.  
24 Eight (8) members of the board shall constitute a quorum and a majority vote of those present and  
25 voting shall be required for action.

26 **16-93-3. Appointment of members of the Board of regents for education. --** (a) On or  
27 before March 1, 2012, the governor shall, with the advice and consent of the senate, establish the  
28 board by appointing fifteen (15) members to serve in staggered terms. To insure staggered terms,  
29 these initial fifteen (15) appointments shall be made as follows: five (5) appointments shall be  
30 made for a term of one year; five (5) appointments shall be made for a term of two (2) years; and  
31 five (5) appointments shall be made for a term of three (3) years. At the expiration of the terms of  
32 each member appointed as part of these initial appointments, appointments thereafter shall be  
33 made for terms of three (3) years commencing on March 1 in the year of the appointment and  
34 ending on the calendar day falling before March 1 (either February 28 or February 29) in the third

1 (3rd) year thereafter.

2 (b) At the expiration of their terms members shall remain and continue in their official  
3 capacity until a new member is appointed and confirmed. Any vacancy on the board shall be  
4 filled by appointment of the governor for the remainder of the unexpired term. In the selection  
5 and appointment of members of the board, the governor shall seek persons who best serve the  
6 entire needs of the state. Members shall not be appointed for more than three (3) successive three  
7 (3) year terms each.

8 (c) No person shall be eligible for appointment to the board unless he or she is a resident  
9 of this state and maintains said residency during the term of appointment. A member who  
10 becomes a resident of another state during the course of his or her term shall be deemed to have  
11 resigned from the board effective upon said change of residency, and the governor shall appoint a  
12 member, with the advice and consent of the senate, to fill the remainder of that person's term.

13 (d) Members of the board shall be removable by the governor pursuant to the provisions  
14 of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or  
15 personal reasons unrelated to capacity or fitness for the office shall be unlawful.

16 **16-93-4. Removal of members of board.** -- Members of the board of regents shall be  
17 removable by the governor for cause only, and removal solely for partisan or personal reasons  
18 unrelated to capacity or fitness for the office shall be unlawful. Failure to maintain a Rhode Island  
19 residency shall be deemed cause for removal. No removal shall be made for any cause except  
20 after ten (10) days' notice in writing of specific charges, with opportunity for the member to be  
21 present in person and with counsel at a public hearing before the governor, to introduce witnesses  
22 and documentary evidence in his or her own defense, and to confront and cross-examine  
23 adversary witnesses; and appeal shall lie to the superior court from the governor's determination.

24 **16-93-5. Abolishment of former entities and transfer of functions.** -- (a) Effective  
25 March 1, 2012, the board of governors for higher education as formerly set forth in chapter 16-59  
26 ("Board of Governors for Higher Education") shall be abolished, and all powers, duties,  
27 functions, personnel, and obligations of the board conferred thereon pursuant to the provisions of  
28 this title 16 ("Education") or any other valid power shall be transferred to and administered by the  
29 board of regents for education. In the same manner, any departments, boards, commissions, or  
30 other entities within and/or under the jurisdiction of the former board of governors for higher  
31 education, including, but not limited to, the former office of higher education, shall be within  
32 and/or under the board of regents for education, effective March 1, 2012. Any reference to the  
33 board of governors for higher education within the general laws shall now be construed to refer to  
34 the board of regents for education.

1           (b) Effective March 1, 2012, the board of regents for elementary and secondary  
2 education as formerly set forth in chapter 16-60 ("Board of Regents for Elementary and  
3 Secondary Education") shall be abolished, and all powers, duties, functions, personnel, and  
4 obligations of the board conferred thereon pursuant to the provisions of this title 16 ("Education")  
5 or any other valid power shall be transferred to and administered by the board of regents for  
6 education. In the same manner, any departments, boards, commissions, or other entities within  
7 and/or under the jurisdiction of the former board of regents for elementary and secondary  
8 education, including, but not limited to, the former department of elementary and secondary  
9 education, now shall be within and/or under the board of regents for education, effective March 1,  
10 2012. Any reference to the board of regents for elementary and secondary education within the  
11 general laws shall now be construed to refer to the board of regents for education.

12           **16-93-6. Meetings of board.** -- (a) The regents shall hold regular meetings at least twice  
13 in each quarter of each calendar year. All meetings of the board of regents for education shall be  
14 open to the public, provided that executive sessions may be held as subordinate parts of public  
15 meetings. Every February at a time and place to be determined by the regents, the regents shall  
16 hold a meeting to which it shall invite the entire membership of the general assembly. At least  
17 thirty (30) days' written notice of the annual meeting shall be furnished to each invitee, which  
18 notice shall include an agenda of the meeting, which agenda shall include, but not be limited to,  
19 the budget submitted for the fiscal year beginning July 1 of the next fiscal period.

20           (b) In addition to other meetings, the regents shall hold at least one regular public  
21 meeting annually with representatives of the Rhode Island league of cities and towns, the Rhode  
22 Island association of school committees, the Rhode Island school superintendent's association, the  
23 Rhode Island principal's association, the national education association of Rhode Island and the  
24 Rhode Island federation of teachers, for the purposes of obtaining their recommendations and  
25 comments regarding education policy and programs, and securing information from  
26 representatives of these organizations concerning the effectiveness of educational programs and  
27 policies, and considering any other mutually agreeable subjects.

28           **16-93-7. Commissioner of elementary, secondary, and higher education.** -- The board  
29 shall appoint a commissioner of elementary, secondary, and higher education, sometimes referred  
30 to throughout this chapter as, alternatively, the "commissioner" or the "commissioner of  
31 education," who shall serve at the pleasure of the board, provided that his or her initial  
32 engagement by the board shall be for a period of not more than three (3) years. Said  
33 commissioner shall assume the powers, functions, and duties formerly held by both the  
34 commissioner of higher education and the commissioner of elementary and secondary education.

1 For the purpose of appointing, retaining, or dismissing a commissioner of elementary, secondary,  
2 and higher education, the governor shall serve as an additional voting member of the board, and  
3 provided that in the case of a tie, the president of the senate shall cast the deciding vote. The  
4 position of commissioner shall be in the unclassified service of the state and he or she shall serve  
5 as the chief executive officer of the board of regents and as the chief administrative officer of the  
6 department of education. The commissioner of elementary, secondary, and higher education shall  
7 have any duties that are defined in this chapter and in this title and other additional duties as may  
8 be determined by the board, and shall perform any other duties as may be vested in him or her by  
9 law. In addition to these duties and general supervision of the department of education and the  
10 appointment of the several officers and employees of the office, said commissioner shall have  
11 duties and supervision of the department of education and other powers and duties in regard to  
12 elementary, secondary, and higher education.

13 **16-93-8. Liberal construction of chapter required.** -- This chapter shall be construed  
14 liberally in aid of its declared purpose.

15 **16-93-9. Meaning of terms in existing law.** -- (a) Effective March 1, 2012, when in any  
16 law, resolution, document, record, instrument, proceeding, or other place the words "board of  
17 education" (excepting there from city or town boards of education), "state board of education,"  
18 "board of regents for elementary and secondary education," and/or "board of governors for higher  
19 education" shall appear, as they shall apply to elementary education, secondary education, and/or  
20 higher education, these words shall be construed to mean and refer to the "board of regents for  
21 education" established pursuant to this chapter.

22 (b) Effective March 1, 2012, when in any law, resolution, document, record, instrument,  
23 proceeding, or other place the words "commissioner of elementary and secondary education"  
24 and/or "commissioner of higher education" shall appear, as they shall apply to elementary  
25 education, secondary education, and/or higher education, these words shall be construed to mean  
26 and refer to the "commissioner of elementary, secondary, and higher education" established  
27 pursuant to this chapter.

28 **16-93-10. Severability.** -- If any provision of this chapter or of any rule or regulation  
29 made under it, or its application to any rule or regulation made under it, or its application to any  
30 person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the  
31 chapter, rule, or regulation and the application of that provision to other persons or circumstances  
32 shall not be affected by the invalidity. The invalidity of any section or sections or parts of any  
33 section or sections shall not affect the validity of the remainder of the chapter.

34 **16-93-11. Powers and duties of board.** -- The board of regents for education shall have,

1 in addition to those enumerated elsewhere in this chapter, 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 elementary, secondary, and higher education in this  
4 state especially as that information relates to current and future educational needs so that current  
5 needs may be met with reasonable promptness and plans formulated to meet future needs as they  
6 arise in the most efficient and economical manner possible.

7 (2) To approve a master plan defining broad goals and objectives for elementary,  
8 secondary, and higher education in the state including a comprehensive capital development  
9 program. These goals and objectives shall be expressed in terms of what men and women should  
10 know and be able to do as a result of their educational experience. The board of regents shall  
11 continuously evaluate the efforts and results of education in the light of these objectives.

12 (3) To formulate broad policy to implement the goals and objectives established and  
13 adopted by the board of regents, to adopt standards and require enforcement and to exercise  
14 general supervision over all elementary, secondary, and higher public education in the state and  
15 over independent higher education in the state as provided in subdivision (8) of this section. The  
16 board of regents shall not engage in the operation or administration of any subordinate  
17 committee, local school district, school, school service, school program (except its own  
18 department of education), university, junior college, or community college, except its  
19 own department of education and except as specifically authorized by an act of the general  
20 assembly; provided, the presidents of each institution of higher learning shall be the chief  
21 administrative and executive officers of that institution; and provided that nothing contained in  
22 this section shall prohibit their direct access to or interfere with the relationship between the  
23 presidents and the board of regents. The adoption and submittal of the budget, the approval of  
24 tables of organization, the creation, abolishment, and consolidation of departments, divisions,  
25 programs, and courses of study, and the acquisition, holding, disposition, and general  
26 management of property shall not be construed to come within the purview of the preceding  
27 prohibition. The board shall communicate with and seek the advice of the commissioner of  
28 elementary, secondary, and higher education and all those concerned with and affected by its  
29 determinations as a regular procedure in arriving at its conclusions and in setting its policy.

30 (4)(i) To prepare with the assistance of the commissioner of elementary, secondary, and  
31 higher education and to present annually to the state budget officer, in accordance with section  
32 35-3-4, a total educational budget for the elementary and secondary sector and higher education  
33 which shall include, but not be limited to, the budgets of the department of education, subordinate  
34 boards and agencies, and state aid to local school districts.

1           (ii) In the preparation of the budget, the regents shall determine priorities of expenditures  
2 for elementary, secondary, and higher education purposes of state revenues and other public  
3 resources made available for the support of public elementary and secondary education among  
4 the various education agencies of the state. Nothing contained in this section shall authorize any  
5 individual or group of individuals to reallocate resources in a manner other than that prescribed in  
6 the budget as appropriations by the general assembly.

7           (5) To maintain a department of education, which shall administer and oversee the  
8 provision of the state's education services at the elementary, secondary, and higher education  
9 levels; to provide for its staffing and organization; and to appoint a commissioner of elementary,  
10 secondary, and higher education, who shall serve at its pleasure. The commissioner of  
11 elementary, secondary, and higher education and the department of education shall have the  
12 duties and responsibilities as defined in this chapter.

13           (6) To appoint and dismiss presidents of the public institutions of higher learning with the  
14 assistance of the commissioner of elementary, secondary, and higher education, and to establish  
15 procedures for this, and with the assistance of the commissioner to approve or disapprove vice  
16 presidents of the public institutions of higher learning appointed by the respective presidents of  
17 the public institutions of higher learning.

18           (7) To establish other educational agencies or subcommittees necessary or desirable for  
19 the conduct of any or all aspects of higher education and to determine all powers, functions, and  
20 composition of any agencies or subcommittees and to dissolve them when their purpose shall  
21 have been fulfilled. The board shall also allocate and coordinate the various educational functions  
22 among the educational agencies of the state and local school districts and to promote cooperation  
23 among them so that maximum efficiency and economy shall be achieved. Provided, that nothing  
24 contained in this subdivision shall be construed to grant the regents the power to establish  
25 subcommittees or agencies performing the duties and functions of local school committees.

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

29           (9) To enforce the provisions of all laws relating to elementary, secondary, and higher  
30 education, public and independent.

31           (10) To be responsible for the following specific functions:

32           (i) To approve the tables of organization at public institutions of higher learning with the  
33 assistance of the commissioner of elementary, secondary, and higher education.

34           (ii) To adopt and require standard accounting procedures for the department of education

1 and all public colleges and universities.

2 (iii) To create, abolish, and consolidate departments, divisions, programs, and courses of  
3 study within the public colleges and universities with the assistance of the commissioner of  
4 elementary, secondary, and higher education after consultation with the presidents.

5 (iv) To establish a clear and definitive mission for each public institution of higher  
6 learning with the assistance of the commissioner of elementary, secondary, and higher education.

7 (v) To promote maximum efficiency, economy, and cooperation in the delivery of public  
8 higher educational services in the state and cooperation with independent institutions of higher  
9 education.

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

16 (12) To incorporate a specific category for accountability on affirmative action goals and  
17 implementation as part of the board's annual evaluations and three (3) year reviews for the  
18 presidents of each of the public institutions of higher education.

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

22 (14) Within ninety (90) days after the end of each fiscal year, the board shall submit an  
23 annual report to the governor, the speaker of the house of representatives, and the president of the  
24 senate of its activities during that fiscal year. The report shall provide: an operating statement  
25 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or  
26 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,  
27 and programs administered or initiated; a consolidated financial statement of all funds received  
28 and expended including the source of the funds, a listing of any staff supported by these funds,  
29 and a summary of any clerical, administrative or technical support received; a summary of  
30 performance during the previous fiscal year including accomplishments, shortcomings and  
31 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the  
32 authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and  
33 findings and recommendations for improvements. The director of the department of  
34 administration shall be responsible for the enforcement of the provisions of this subsection.

1           (15) The board shall conduct a training course for newly appointed and qualified  
2 members within six (6) months of their qualification. The course shall be developed by the  
3 chairperson of the board, approved by the board, and conducted by the chairperson of the board.  
4 The board may approve the use of any board or staff members or other individuals to assist with  
5 training. The training course shall include instruction in the following areas: the provisions of  
6 chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of  
7 administration shall, prepare and disseminate training materials relating to the provisions of  
8 chapters 42-46, 36-14, and 38-2 to each member of the board as that member becomes qualified.

9           (16) To exercise all the functions, powers and duties which previously were vested in the  
10 board of regents for education, under the provisions of former subsection 16-49-4(9), including,  
11 but not limited to, the following specific functions:

12           (i) To approve the basic subjects and courses of study to be taught and instructional  
13 standards required to be maintained in the public elementary and secondary schools of the state.

14           (ii) To adopt standards and qualifications for the certification of teachers and to provide  
15 for the issuance of certificates, and to establish fees for the certification of teachers. The fees  
16 collected for the certification of teachers along with various education licensing and testing fees  
17 shall be deposited by the board of regents as general revenues. The funds appropriated by the  
18 general assembly shall be utilized by the department of education to establish and support  
19 programs which enhance the quality and diversity of the teaching profession. The commissioner  
20 of elementary, secondary, and higher education shall regularly make recommendations to the  
21 board about specific programs and projects to be supported by those funds. The commissioner  
22 shall oversee the funds, assess the effectiveness of its programs and projects, and make  
23 recommendations about the general use and operation of the funds to the board.

24           (iii) To be responsible for the distribution of state school funds.

25           (iv) To determine the necessity of school construction and to approve standards for  
26 design and construction of school buildings throughout the state.

27           (v) To set standards for school libraries and school library services.

28           (vi) To make recommendations relative to transportation of pupils to school, school bus  
29 routes, time schedules, and other matters relating to pupil transportation.

30           (vii) To enforce the provisions of all laws relating to elementary, secondary, and higher  
31 education.

32           (viii) To decide and determine appeals from decisions of the commissioner.

33           (ix) To prescribe forms for the use of local school committees and local officers when  
34 reporting to the department of education.

1           (x) To adopt and require standard accounting procedures for local school districts, except  
2 as provided for in subdivision (3) of section 16-24-2.

3           (xi) To adopt and require standard uniform operating and capital budgeting procedures  
4 for local school districts.

5           (17) To establish rules for the approval and accrediting of schools.

6           (18) To recommend to the general assembly changes in the size and number of the school  
7 districts within the state, and to make any further and other recommendations to the general  
8 assembly as the board of regents may determine to be necessary or desirable, including, but not  
9 limited to, proposals for incentives for the coordination of services and facilities of certain school  
10 districts and the feasibility of granting taxing authority to local school committees upon their  
11 request, and the impact upon the quality of education within that particular community by  
12 granting the request. In carrying out this duty, the board of regents shall periodically issue reports  
13 in school district organizations for selected regions and school districts.

14           (19) To exercise all other powers with relation to the field of elementary, secondary, and  
15 higher education within this state not specifically granted to any other department, board, or  
16 agency, and not incompatible with law, which the board of regents for education may deem  
17 advisable.

18           (20) To exercise the authority previously vested in the board of regents for education with  
19 relation to adult education as defined in section 16-58-2 and to establish definitive goals for and  
20 operate a comprehensive delivery system for adult education programs and services, including the  
21 counseling and testing of persons interested in obtaining high school equivalency diplomas, the  
22 issuance of diplomas, and the maintenance of a permanent record of applications, tests, and  
23 equivalency diplomas.

24           (21) To promote maximum efficiency and economy in the delivery of elementary,  
25 secondary, and higher educational services in the state.

26           (22) To approve a training program for school committee members to enhance their  
27 individual skills and their effectiveness as a corporate body. The training program should include,  
28 but not be limited to, the following roles and responsibilities of school committees: strategic  
29 planning, human and community relations, and school finance and budgeting.

30           (23) To prepare with the assistance of the commissioner a multi-year plan of priority  
31 educational goals and objectives. This plan should recommend policy objectives, implementation  
32 strategies, and a timetable for major policy initiatives.

33           (24) Each year, the governor shall by writing notify the board of regents for education  
34 concerning broad economic, cultural, and social needs that the education system needs to

1 consider, which the board shall address in developing educational plan and programs.

2 (25) Appoint a standing committee that will develop a schedule to systematically review  
3 all board policies over a three (3) year period.

4 (26) To prepare, with the assistance of the commissioner, a statement of regulatory  
5 policy. This policy should set forth the goals and objectives of state regulations which are  
6 expressed in terms of what educational inputs and outputs the board expects the regulations to  
7 address.

8 (27)(i) To prepare with the assistance of the commissioner of elementary, secondary, and  
9 higher education and to present annually to the general assembly by January 1<sup>st</sup>, a report on  
10 school discipline in Rhode Island schools. This report shall include:

11 (A) Expulsions by district, including duration and the reason for each action;

12 (B) Suspensions by district, including duration and the reason for each action;

13 (C) Placements to alternative programs for disciplinary reasons;

14 (D) Assaults of teachers, students, and school staff by students;

15 (E) Incidents involving possession of weapons on school property. For the purposes of  
16 this section, a weapon shall be considered any of those weapons described in section 11-47-2 and  
17 section 11-47-42;

18 (F) Incidents of the sale of controlled substances by students;

19 (G) Incidents of the possession with the intent to sell controlled substances by students;

20 (H) Additional demographic information including, but not limited to, the ethnic and  
21 racial classifications, age, gender, as prescribed by the commissioner, of each of the students  
22 involved in the incidents, events or actions described in subparagraphs (A) through (G) of this  
23 subdivision; and

24 (I) A description of the education program provided to each student suspended for over  
25 ten (10) consecutive school days in a school year.

26 (ii) All school superintendents shall supply the necessary information on forms  
27 established by the commissioner of elementary, secondary, and higher education to the board of  
28 regents to assist in the preparation of the board of regents' report on school discipline.

29 (28) To prepare and promulgate a uniform statewide school reporting system which  
30 would provide information including, but not limited to, the following:

31 (i) Student and teacher attendance rates;

32 (ii) Standardized test scores;

33 (iii) Demographic profiles;

34 (iv) Results of polls of students, parents, and teachers;

- 1           (v) Descriptions of goals, initiatives, and achievements;
- 2           (vi) Best teaching practices;
- 3           (vii) Alternative student assessments;
- 4           (viii) Special programs; and
- 5           (ix) Number of student suspensions and teacher grievances and the amount of parental
- 6 involvement.

7           **16-93-12. Commissioner of elementary, secondary, and higher education - Duties as**  
8 **to education. --** The duties of the commissioner of elementary, secondary, and higher education  
9 in regard to education shall include the following:

10           (1) To develop and implement a systematic program of information gathering,  
11 processing, and analysis addressed to every aspect of elementary, secondary, and higher  
12 education in the state, especially as that information relates to current and future educational  
13 needs.

14           (2) To prepare a master plan for elementary, secondary, and higher education in the state;  
15 to coordinate the goals and objectives of the elementary, secondary, and public higher education  
16 sector with the activities of the independent elementary, secondary, higher education sector where  
17 feasible.

18           (3) To communicate with and seek the advice of those concerned with and affected by the  
19 board of regents' determinations.

20           (4) To implement broad policy as it pertains to the goals and objectives established by the  
21 board; to enforce standards and to exercise general supervision over public elementary,  
22 secondary, and higher education in the state and over independent elementary, secondary, and  
23 higher education in the state as provided in subdivision (11) of this section; to assist in the  
24 preparation of the budget for public elementary, secondary, and higher education and to be  
25 responsible upon direction of the board for the allocation of appropriations, the acquisition,  
26 holding, disposition, and general management of property.

27           (5) To be responsible for the coordination of the various elementary, secondary, and  
28 higher educational functions of the state and/or local school districts so that maximum efficiency  
29 and economy can be achieved.

30           (6) To assist the board in preparation and maintenance of a five (5) year funding plan for  
31 higher education; to assist the board in the preparation and presentation annually to the state  
32 budget officer in accordance with section 35-3-4 of a total public elementary, secondary, and  
33 higher educational budget. This budget shall include, but not be limited to, the budget of the  
34 department of education, subcommittees and agencies, and state aid to local school districts.

1           (7) To recommend to the board of regents, after consultation with the presidents, a clear  
2 and definitive mission for each public institution of higher learning.

3           (8) To recommend to the board of regents, after consultation with the presidents, tables of  
4 organization for the public institutions of higher learning.

5           (9) To annually recommend to the board of regents, after consultation with the presidents,  
6 the creation, abolition, retention, or consolidation of departments, divisions, programs, and  
7 courses of study within the public colleges and universities to eliminate unnecessary duplication  
8 in public higher education and to address the future needs of public higher education in the state.

9           (10) To supervise the operations of the department of education and any other additional  
10 duties and responsibilities that may be assigned by the board.

11           (11) To perform the duties vested in the board of regents with relation to independent  
12 higher educational institutions within the state under the terms of chapter 40 of this title and any  
13 other laws that affect independent higher education in the state.

14           (12) To be responsible for the administration of policies, rules, and regulations of the  
15 board of regents with relation to the entire field of higher education within the state, not  
16 specifically granted to any other department, board, or agency and not incompatible with law.

17           (13) To prepare standard accounting procedures for public higher education and all public  
18 colleges and universities.

19           (14) To carry out the policies and directives of the board of regents through the  
20 department of education and through utilization of the resources of the public institutions of  
21 higher learning.

22           (15) (i) To direct the department of education to compile and analyze the following  
23 information for presentation to the speaker of the house and the governor by May 1st annually:

24           (A) A detailed departmental breakdown of all faculty members employed at each state  
25 run college and university by rank (including all professors, associate professors, assistant  
26 professors, lecturers, instructors) and tenure (tenured and non-tenured, other) and by race  
27 (African American, Hispanic, Native American, and Asian) and gender.

28           (B) A detailed report on current student enrollments for each class at each state run  
29 college and university by race and gender, by academic department, and by outreach program  
30 (e.g. talent development), guaranteed admissions program, and the current levels of funding and  
31 staff support for each of these programs.

32           (C) A report on the current status of the African and Afro-American studies programs at  
33 each institution and a five (5) year budgetary history of the programs along with projections for  
34 budgetary support for the next two (2) years.

1           (D) A plan for recruitment of African American and Hispanic faculty into tenure track  
2 positions at each institution with specific reference to and planned involvement with the New  
3 England higher education's minority faculty recruitment and development plan.

4           (ii) Certified copies of the report shall be furnished to the board of regents and the  
5 presidents of the state colleges and universities.

6           (16) To supervise the operation of the department of education, to have the duties as  
7 defined in section 16-1-5 and in this title or in law wherever outlined, and other additional duties  
8 and responsibilities that may be assigned by the regents.

9           (17) To perform the duties vested in the board of regents with relation to nonpublic  
10 elementary and secondary educational institutions within the state under the terms of chapter 40  
11 of this title, and other laws that affect nonpublic elementary and secondary education in the state.

12           (18) To supervise the following specific functions:

13           (i) To recommend the basic subjects and courses of study to be taught and instructional  
14 standards to be maintained in the public elementary and secondary schools in the state;

15           (ii) To recommend standards and qualifications of teachers and to issue certificates upon  
16 approval of standards and qualifications by the regents;

17           (iii) To distribute state school funds in accordance with the law and regulations of the  
18 board of regents;

19           (iv) To certify as to the necessity of school construction and that standards and design are  
20 in accordance with law and regulations of the regents and to approve a design for school  
21 construction throughout the state;

22           (v) To certify that school library standards and services are in accordance with the law  
23 and regulations of the board of regents;

24           (vi) To recommend to the board of regents matters relating to the transportation of pupils  
25 to school;

26           (vii) To require the observance of all laws relating to elementary and secondary schools  
27 and education;

28           (viii) To interpret school law and to decide any controversies that may be appealed to him  
29 or her from decisions of local school committees;

30           (ix) To prepare and recommend standard forms for the use of local schools when  
31 reporting to the department of education;

32           (x) To prepare standard accounting and auditing procedures for local school districts,  
33 except for the purposes of subdivision (3) of section 16-24-2 which shall be done in conjunction  
34 with the auditor general;

1           (xi) To prepare uniform budgeting procedures for local school districts; and  
2           (xii) To determine when special purpose grants made to local school districts shall be  
3 eligible for reimbursement through the school operations aid formula in accordance with chapter  
4 7 of this title, and to designate the purpose(s) for which the local school district may use the  
5 school operations aid reimbursement, including reimbursement on local matching funds used to  
6 support the special purpose grant. The commissioner shall promulgate and adopt rules and  
7 regulations to carry out the intent of this subsection.

8           (19) To approve and accredit elementary, secondary and public higher education schools  
9 in accordance with the policy and regulations of the board of regents.

10          (20) To be responsible for the administration of policies, rules, and regulations of the  
11 board of regents with relation to the entire field of elementary, secondary and public higher  
12 education within the state not specifically granted to any other department, board, or agency and  
13 not incompatible with law.

14          (21) To receive periodically from law enforcement agencies a list of names of Rhode  
15 Island missing children and to disseminate these lists to local school districts.

16          **16-93-13. Permanent status for non-classified employees.** -- All employees of the  
17 board of regents for education who were transferred to the board from the board of governors for  
18 higher education and/or the office of higher education shall retain all rights, credits, benefits, and  
19 seniority which they had as of March 1, 2012.

20          **16-93-14. Operating executive committee.** -- (a) There is established an operating  
21 executive committee which shall be composed of the president of the University of Rhode Island,  
22 the president of Rhode Island College, the president of Community College of Rhode Island and  
23 the commissioner of elementary, secondary, and higher education. The commissioner of  
24 elementary, secondary, and higher education shall serve as the chairperson of the committee.

25           (b) The committee shall meet on a regular basis, provided, that they shall meet not less  
26 than twelve (12) times per year, and the purpose of the committee shall include, but not be limited  
27 to, developing coherent plans for the elimination of unnecessary duplication in public higher  
28 education and addressing the future needs of public higher education within the state in the most  
29 efficient and economical manner possible. All recommendations and information gathered at the  
30 meetings of the committee shall be forwarded to the board of regents by the commissioner of  
31 elementary, secondary, and higher education in conjunction with the presidents for approval and  
32 disapproval.

33           (c) Prior to the presentation of any proposal to the board of regents, the committee shall  
34 fully examine its impact on higher education, including, but not limited to, its impact on

1 educational budgetary requirements, quality of higher education and elimination of unnecessary  
2 duplication. The chairperson of the committee may invite additional participation by faculty and  
3 other employees when he or she deems it necessary.

4 **16-93-15. Educational budget and appropriations.** -- (a) The general assembly shall  
5 annually appropriate any sums it deems necessary for support and maintenance of elementary,  
6 secondary and public higher education in the state and higher education in the state, and the state  
7 controller is authorized and directed to draw his or her orders upon the general treasurer for the  
8 payment of the appropriations or so much of the sums that are necessary for the purposes  
9 appropriated, upon the receipt by him or her of proper vouchers as the board of regents for  
10 education may by rule provide. The board shall receive, review, and adjust the budgets of its  
11 several subordinate committees and agencies and for the department of education and present the  
12 budget as part of the budget for elementary, secondary, and higher education.

13 (b) The department of education and the institutions of public higher education shall  
14 establish working capital accounts.

15 (c) Any tuition or fee increase schedules in effect for the institutions of public higher  
16 education shall be received by the board of regents for allocation for the fiscal year for which  
17 state appropriations are made to the board of regents by the general assembly; provided that no  
18 further increases may be made by the board of regents for the year for which appropriations are  
19 made. Except that these provisions shall not apply to the revenues of housing, dining, and other  
20 auxiliary facilities at the University of Rhode Island, Rhode Island College, and the Community  
21 Colleges including student fees as described in P.L. 1962, ch. 257 pledged to secure indebtedness  
22 issued at any time pursuant to P.L. 1962, ch. 257, as amended.

23 (d) All housing, dining, and other auxiliary facilities at all public institutions of higher  
24 learning shall be self-supporting and no funds shall be appropriated by the general assembly to  
25 pay operating expenses, including principal and interest on debt services, and overhead expenses  
26 for the facilities. Any debt service costs on general obligation bonds presented to the voters in  
27 November 2000 and November 2004 or appropriated funds from the Rhode Island capital plan for  
28 the housing auxiliaries at the University of Rhode Island and Rhode Island College shall not be  
29 subject to this self-supporting requirement in order to provide funds for the building construction  
30 and rehabilitation program. The institutions of public higher education will establish policies and  
31 procedures which enhance the opportunity for auxiliary facilities to be self-supporting, including  
32 that all faculty provide timely and accurate copies of booklists for required textbooks to the  
33 public higher educational institution's bookstore.

34 (e) The additional costs to achieve self-supporting status shall be by the implementation

1 of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,  
2 operating expenses, principal, and interest on debt services, and overhead expenses.

3 **16-93-16. Incentive fund for excellence - Challenge fund for management and**  
4 **administration improvement - Carry-forward provision.** -- (a) The general assembly shall  
5 annually appropriate any sums as may be necessary to create and maintain an "incentive fund for  
6 excellence," which shall be used by the board of regents to fund program initiatives to improve  
7 the quality of the undergraduate education offered by the public institutions of higher education.

8 (b) The general assembly shall annually appropriate any sums as may be necessary to  
9 create and maintain a "challenge fund for management and administration improvement" to be  
10 administered by the board of regents. The board shall award grants to the institutions of public  
11 higher education on a competitive basis upon presentation of proposals designed to effect  
12 projected administrative savings of an amount equal to or more than the amount of the grant  
13 requested.

14 (c) Any amounts remaining at the end of any fiscal year in the funds established under  
15 subsection (a) or (b), or any amounts allocated to the institutions under these sections, may be  
16 carried forward to the next fiscal year.

17 (d) The board of regents shall annually report to the general assembly concerning the  
18 amounts and specific purposes and the effectiveness of all allocations made from the funds  
19 established in subsections (a) and (b).

20 **16-93-17. Existing academic privileges preserved.** -- No provision of this chapter shall  
21 be construed to impair academic freedom or academic governance at any institution under the  
22 jurisdiction of the board of regents, nor to divest any faculty member of the institution of tenure,  
23 retirement or other right or benefit to which the member may now be entitled.

24 **16-93-18. Investigative powers of board.** -- The board of regents shall have power to  
25 investigate all transactions and matters relating to public elementary, secondary and public higher  
26 education in the state and to summon witnesses, administer oaths, and to require testimony and  
27 the production of records in like manner and to the same extent as a court of law.

28 **16-93-19. Definitions.** -- (a) Where in this chapter the phrase "public colleges," "public  
29 higher education," "public tax supported institutions of higher learning," or words of similar  
30 import are used, they shall be taken to mean the University of Rhode Island, Rhode Island  
31 College, and Community College of Rhode Island, or any other of these public colleges, public  
32 higher education, or public tax supported institutions of higher learning which may be created,  
33 individually or collectively, as appropriate.

34 (b) Effective March 12, 2012, when in any law, resolution, document, record, instrument,

1 proceeding, or other place the words "board of trustees of state colleges" or "board of regents for  
2 higher education," as they shall apply to higher education shall appear, they shall be construed to  
3 mean "board of regents for education".

4 **16-93-20. Pertinence of certain law relating to state colleges to board of regents. --**

5 The provisions of repealed sections 16-31-8, 16-31-9, 16-31-10, 16-31-11, and 16-31-13  
6 previously pertinent to the board of trustees of state colleges and then made applicable to the  
7 board of regents for higher education are hereby made applicable to the board of regents for  
8 education effective March 12, 2012.

9 **16-93-21. Receipts from sources other than appropriations. --** (a) All receipts from all

10 sources other than state appropriations shall not be put into the general fund of the state, but shall  
11 be kept by the general treasurer of the state in a separate fund for the board of regents for  
12 education, and shall be paid out by the treasurer upon the order of the board, without the necessity  
13 of appropriation or re-appropriation by the general assembly.

14 (b) The board of regents for education shall ensure that state colleges and universities  
15 have a structure in place to prohibit these colleges and universities from accepting funds that  
16 would interfere with or restrict academic freedom at the state colleges and universities. Nothing  
17 contained in this subsection shall be construed in a way as to prohibit a donor from earmarking  
18 funds for a particular purpose or use including, but not limited to, research, scholarships,  
19 construction, or development.

20 **16-93-22. Fiscal accounts - Receipts - Petty cash funds. --** The treasurer of the

21 University of Rhode Island, and the treasurer of Rhode Island College, to be appointed by the  
22 board of regents for education, shall each keep an accurate account of his or her receipts and  
23 expenditures which shall be audited by the state controller in accordance with law. The treasurer  
24 of each college shall turn over to the general treasurer at monthly intervals all sums of money  
25 received by him or her during the preceding month which shall be credited to the proper  
26 accounts and funds by the general treasurer. The state controller shall establish an imprest fund or  
27 petty cash fund for the use of the treasurer of each of the colleges for expenditures of any nature  
28 as may be approved by the state controller.

29 **16-93-23. Audit of expenditures. --** The pre-audit of all expenditures under authority of

30 the board by the state controller provided for in section 35-6-1 shall be purely ministerial,  
31 concerned only with the legality of the expenditure and the availability of the funds, and in no  
32 event shall the state controller interpose his or her judgment regarding the wisdom or expediency  
33 of any item or items of expenditure.

34 **16-93-24. Freedom from budget and lease control by other agencies. --** In order that

1 the board of regents for education may control the personnel and equipment of the state colleges  
2 in the interests of educational efficiency, the board and the colleges are excepted from the  
3 provisions of subsection (a)(5) of section 35-3-1 relating to the employment of personnel, and  
4 from that part of section 42-20-8 which relates to the director of administration.

5 **16-93-25. Applicability of merit system - Teacher certification - List of positions**  
6 **transferable to classified service.** -- (a) The appointment, promotion, salaries, tenure, and  
7 dismissal of administrative, instructional, and research employees, and secretarial employees not  
8 exceeding ten (10) in number, of the state colleges shall not be subject in any manner or degree to  
9 control by the personnel administrator or by any officer or board other than the board of regents  
10 for education. The certification of teachers at the University of Rhode Island is abolished, except  
11 for teachers that elect to come or remain under it.

12 (b) All positions that are exempt from the Merit System Law, chapter 4 of title 36, which  
13 become vacant or that are to be established, must be forwarded to the personnel administrator,  
14 who, in consultation with the deputy assistant commissioner of education in charge of personnel  
15 and labor relations, shall determine whether the position(s) in question shall remain in the board  
16 of regents for education non-classified service or be established in the classified service of the  
17 state.

18 (c) No position presently in the classified service of the state subject to the Merit System  
19 Law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the board  
20 of regents for education non-classified service.

21 (d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student  
22 employees of the higher education institutions shall not be covered by the preceding provisions  
23 and shall remain in the board of regents for education non-classified service.

24 **16-93-26. Conflicts of interest.** -- No member of the board of regents for education shall  
25 be employed in any position under the jurisdiction of the board, nor contract in any manner for  
26 any purpose with the board; nor shall the board purchase, sell, or lease any land, property, or  
27 supplies from or to any firm or business association of which any member of the board is owner,  
28 part owner, or officer or director. No person related by consanguinity or affinity in the first degree  
29 to any member of the board shall be employed in any capacity under the board's jurisdiction.

30 **16-93-27. Accessibility for people with disabilities.** -- (a) The board of regents shall  
31 develop a policy, commitments, and procedures for students with disabilities setting forth the  
32 steps necessary to ensure that all public colleges, as defined in this chapter, are accessible to  
33 persons with disabilities.

34 (b) The plan shall be substantially identical to the plan adopted by Rhode Island College

1 and shall consider all persons' with disabilities needs and shall adopt reasonable accommodations  
2 necessary to achieve equal participation in educational opportunities.

3 (c) The state building code standards committee shall adopt an accessibility for people  
4 with disabilities standard for public colleges that includes provisions ensuring that public colleges  
5 are accessible to and usable by all persons with disabilities.

6 **16-93-28. Voter registration forms.** -- The admissions offices of all state institutions of  
7 higher learning shall include in the admissions information provided to state residents forms for  
8 voter registration as described in section 17-9.1-9 to be provided by the state board of elections.

9 **16-93-29. The public and private partnership in education.** -- (a) Purpose. The state  
10 of Rhode Island recognizes that research is a primary mission of an institution of higher  
11 education. While carrying out its research mission, the state further recognizes that inventions of  
12 value to the public will be made by persons working in its public institutions of higher education.  
13 The marketing of these inventions will contribute to job creation and to the overall economic  
14 well-being of the state of Rhode Island and the nation. It is accordingly the policy of the state to  
15 encourage such inventors and inventions and to take appropriate steps to aid the inventor and  
16 ensure that the public receives the benefit. In facilitating this policy, the state recognizes the need  
17 for cooperation between governmental agencies, private industries, and the inventors themselves.

18 (b) Definitions. The following words and phrases used in this chapter have the following  
19 meaning:

20 (1) "Conflict of interest policies and procedures relating to research and development"  
21 refers to policies and procedures adopted by the Rhode Island board of regents for education in  
22 consultation with the Rhode Island ethics commission, and approved by the Rhode Island ethics  
23 commission;

24 (2) "Relationship" includes any interest, service, employment, gift, or other benefit or  
25 relationship;

26 (3) "Research or development" means basic or applied research or development,  
27 including:

28 (i) The development or marketing of university-owned technology;

29 (ii) The acquisition of services of an official or employee, by an entity for research and  
30 development purposes;

31 (iii) Participation in state economic development programs; or

32 (iv) The development or marketing of any technology on the premises of a public  
33 institution of higher education by an official or employee of the institution.

34 (c) Policy. (1) The Rhode Island Board of regents for education shall develop conflict of

1 interest policies and procedures based on the purposes expressed in art. 3, 7 of the Constitution of  
2 the State of Rhode Island, section 36-14-1, and in this section.

3 (2) The Rhode Island board of regents for education shall consult with the Rhode Island  
4 ethics commission in developing these polices and procedures and shall submit them to the Rhode  
5 Island ethics commission for approval in order to insure conformity with the purposes expressed  
6 in Art. III section 7 of the Constitution of the State of Rhode Island, section 36-14-1, and in this  
7 section.

8 (d) *Policy standards.* The policies and procedures adopted by the board of regents for  
9 education under subsection (c) of this section shall:

10 (1) Require disclosure of any interest in, or employment by, or other relationship with an  
11 entity for which an exemption under this section is claimed, on a form filed with the ethics  
12 commission and the Rhode Island board of regents for education and maintained as a public  
13 record at the board's offices, the department of education, and at the interested public institution  
14 of higher education;

15 (2) Require review of all disclosures by a designated official or officials, who shall  
16 determine what further information must be disclosed and what restrictions shall be imposed by  
17 the Rhode Island board of regents for education to manage, reduce, or eliminate any actual or  
18 potential conflict of interest;

19 (3) Include guidelines to ensure that interests and employment for which an exemption  
20 under this section is claimed do not improperly give an advantage to entities in which the interests  
21 or employment are maintained, lead to misuse of institution students or employees for the benefit  
22 of entities in which the interests or employment are maintained, or otherwise interfere with the  
23 duties and responsibilities of the exempt official or employee;

24 (4) Require approval by the president of the public institution of higher education of any  
25 interest or employment for which an exemption is claimed under this section; and

26 (5) Require approval by the Rhode Island board of regents for education.

27 (e) *Relationship permitted.* An official or employee at a public institution of higher  
28 education may have a relationship, that would otherwise be prohibited by the Rhode Island Code  
29 of Ethics in Government, with an entity engaged in research or development, or with an entity  
30 having a direct interest in the outcome of research or development, only if the Rhode Island board  
31 of regents for education has adopted policies and procedures in accordance with this section, and  
32 the official or employee has complied with the polices and procedures. If the provisions of this  
33 section are not met, the official or employee is not exempt from any relevant provisions of the  
34 Rhode Island Code of Ethics in Government.

1           (f) Annual reporting. The board of regents for education shall report annually to the  
2 governor, the president of the senate, the speaker of the house of representatives, and the ethics  
3 commission the number of approvals granted under this section and how the conflict of interest  
4 policies and procedures adopted pursuant to this section have been implemented in the preceding  
5 year.

6           (g) Person not eligible. An official or employee who is a president, or vice-president at a  
7 public institution of higher education in Rhode Island may not receive an exemption under this  
8 section.

9           (h) Ethics commission review. The board of regents for education shall promptly notify  
10 the ethics commission in writing of any exemption that is granted under this section. If the ethics  
11 commission disagrees with an exemption that is granted pursuant to this section and the conflict  
12 of interest policies and procedures relating to research and development adopted by the board of  
13 regents for education, within thirty (30) calendar days after the receipt of the notice described in  
14 this section, the ethics commission shall notify the board of regents for education reason for its  
15 concern. Upon receipt of such notice from the ethics commission, the board of regents for  
16 education shall cause the matter to be re-examined at an open and public meeting pursuant to  
17 section 42-46-1, et seq.

18           **16-93-30. Sale and purchase of degrees solely on the basis of life experience**  
19 **prohibited.** -- (a) The purchase and sale of academic degrees wherein the degree is obtained on  
20 the basis of a combination of a payment of a fee and the attainment of academic credit for so-  
21 called life experiences, without the applicant undertaking any academic coursework at the entity  
22 or institution purporting to issue the degree, shall be prohibited. Provided, this section shall not  
23 prohibit an award of academic credit for work experience or other so-called "life experience" as  
24 part of a program to obtain a degree in higher education, but shall prohibit the award of such  
25 degree solely on the basis of such experience.

26           (b) Pursuant to its investigative powers under this chapter, the board of regents shall  
27 investigate persons and entities brought to the board's attention that purport to offer academic  
28 degrees in violation of this section. By way of direction, and as a guide in enforcing this section,  
29 the general assembly notes that higher education can take many forms, and it is not the intent of  
30 this section to curtail or limit academic freedom and/or the use of alternative methods of  
31 instruction that deviate from traditional norms. Rather, the intent of this section is to prohibit the  
32 awarding and attainment of academic degrees primarily on the basis of purchase and sale, and to  
33 prevent the fraudulent use of life and work experience to attain academic credit.

34           **16-93-31. "Bachelor's Degree in Three" program.** -- (a) The Rhode Island board of

1 regents for education shall establish and administer the "Bachelor's Degree in Three" program.

2 The board shall:

3 (1) Establish guidelines for the "Bachelor's Degree in Three" program.

4 (2) Collaborate with the board of regents for education to establish a seamless credit  
5 transfer system for high school students and other policies that might facilitate student  
6 participation in such a program.

7 (3) Identify and propose any necessary changes to academic courses of study, support  
8 services, financial aid, and other policies and resources at the University of Rhode Island, Rhode  
9 Island College and the Community College of Rhode Island to ensure greater opportunities for  
10 students to complete bachelor's degree programs in three (3) years.

11 (4) Identify potential costs of the program, including costs to students, to the institutions,  
12 and to school districts, identify possible sources of external grant funding for a pilot program, and  
13 propose a funding structure for the program.

14 (5) Investigate accreditation issues and federal financial aid rules that may be implicated  
15 by the program.

16 (6) Identify units at the University of Rhode Island, Rhode Island College, and the  
17 Community College of Rhode Island that will assume administrative responsibility for the  
18 program.

19 (7) Design, undertake and evaluate a three (3) year pilot program that will serve as a  
20 model for full-scale implementation.

21 (b) The board shall present an annual report, recommendations and timeline to the  
22 general assembly on or by February 1, 2013 of each year.

23 **16-93-32. Department of education – Personnel board.** – (a) The board of regents shall  
24 maintain a department of education which shall perform the research, administrative, and  
25 instructional functions and duties, including technical assistance and statewide educational  
26 information services for local school districts, required of the regents by the provisions of this  
27 chapter. Within that department, the appointment, promotion, salaries, term of service, and  
28 dismissal of all professional employees, including instructional and research employees,  
29 administrative employees, and secretaries shall be at the pleasure of the commissioner of  
30 elementary, secondary, and higher education except that the regents shall approve all assistant  
31 commissioners; all professional employees, including instructional and research employees, and  
32 administrative employees may be initially engaged under contract for not more than two (2)  
33 years. All professional employees, including instructional and research employees, and  
34 administrative employees shall not be in the classified service of the state nor be subject in any

1 manner of control by the personnel administrator or by any officer or board other than the  
2 commissioner of elementary, secondary, and higher education; provided, that all permanent  
3 appointments of the commissioner to vacate, reestablish or newly established positions shall be  
4 subject to approval by the Emergency Hiring Council established by Executive Order 95-2. All  
5 appointments to positions at state-operated schools shall be exempt from the preceding  
6 requirement provided that total full-time equivalent positions are within the authorized cap and all  
7 these personnel are assigned exclusively to the schools. The hiring of individuals on a contract  
8 basis shall be subject to state purchasing requirements. All non-classified employees of the board  
9 of regents who shall have twenty (20) years, not necessarily consecutive, of service credit, these  
10 credits having been earned in either classified, non-classified, or unclassified service or any  
11 combination of these, shall be deemed to have acquired full status in their positions as the status  
12 is defined by 36-4-59; provided, that this provision shall not apply to those employees whose base  
13 entry date is after August 7, 1996; and provided that this provision shall not apply to faculty  
14 employed by the board of regents nor shall it apply to non-classified employees who have  
15 acquired tenure as faculty. Employees who had permanent status prior to May 7, 1981, shall  
16 continue to retain their status. Persons employed by the department on February 1, 1974 in either  
17 the classified or unclassified service and who were receiving longevity payments on or before  
18 February 1, 1974 shall continue to be eligible for longevity benefits upon transfer to the non-  
19 classified service within the department.

20 (b) The table of organization, as submitted by the commissioner, together with the pay  
21 ranges, shall be subject to approval by the board of regents.

22 **16-93-33. Early childhood training and resource center - Board of advisors. -- (a)**  
23 The department of education shall establish, maintain, and operate, in accordance with the  
24 guidelines of the board of advisors created pursuant to subsection (b) of this section, a training  
25 and resource center to serve as a source of information regarding training and resources for early  
26 childhood and child care professionals which would:

27 (1) Provide information regarding requirements and/or sources for licensure, approval,  
28 and certification;

29 (2) Provide information regarding sources of training to meet specific needs;

30 (3) Maintain contact with professional organizations, state departments, higher education  
31 institutions, and other resources for training;

32 (4) Develop a newsletter for dissemination of vital information regarding topics as  
33 department of health alerts, changes in department of human services programs, and eligibility  
34 criteria for persons seeking child care;

- 1           (5) Develop and conduct training for which no identified training source currently exists;
- 2           (6) Develop a speakers' bureau;
- 3           (7) Maintain a calendar of events for early childhood child care professionals; and
- 4           (8) Provide any other services that the board of advisors shall deem necessary.

5           (b) To guide the department in the establishment, location, maintenance, and operation  
6 of the training and resource center, the department shall establish a board of advisors consisting  
7 of representatives from each of the following agencies, departments, professional associations,  
8 and educational institutions: department of children, youth, and families; department of human  
9 services; department of education; department of health; Rhode Island Association for the  
10 Education of Young Children; Rhode Island Early Childhood Resource Center; Rhode Island  
11 Association for Home Day Care; Rhode Island Day Care Director's Association; Association for  
12 Childhood Education, Providence area; Rhode Island Head Start Director's Association;  
13 Community College of Rhode Island; Rhode Island College; the University of Rhode Island; and  
14 any other agencies, departments, institutions, and associations as the advisory board shall  
15 prescribe.

16           **16-93-34. Statewide purchasing system and programs.** -- (a) The department of  
17 education, together with the department of administration, is authorized to develop and  
18 implement a voluntary statewide purchasing system for all public schools in this state, including  
19 regional school districts. Said system may be utilized for the purchase of all goods, supplies and  
20 services to support and enhance public school operations under a statewide contract, and shall  
21 include, but not be limited to, the following goods, supplies and services:

22           (1) General school supplies such as paper goods, office supplies, textbooks and cleaning  
23 products that are or may be utilized by school departments;

24           (2) Telecommunications, wireless services, computer equipment, hardware and software  
25 that have been identified by local school departments as needed to support curriculum objectives;

26           (3) General non-medical and dental insurance products and services; provided, however,  
27 that the statewide purchasing system shall permit districts to establish their own benefit and  
28 coverage levels.

29           (b) Notwithstanding the provisions of any general or public law to the contrary,  
30 including the provisions of chapter 2 of title 37, the department of education and local and  
31 regional school districts are authorized to participate in purchasing collaboratives, consisting of  
32 two (2) or more states. Said participation shall be subject to prior approval of the chief purchasing  
33 officer and rules and regulations promulgated by the department.

34           **16-93-35. Regents recovery for indirect costs.** -- The regents shall apply for recovery of

1 indirect costs when recovery is permissible under federal statute and grant regulations. All funds  
2 received for indirect costs recovery shall be turned over to the general treasurer and shall be  
3 placed in a restricted account for specific purposes designated by the regents. The regents shall  
4 annually report to the general assembly the estimated amount of federal indirect cost recoveries  
5 for the next fiscal year together with the intended use of the funds.

6 **16-93-36. Granting of high school diplomas for World War II and Korean War**  
7 **veterans. --** The board of regents shall have in addition to all the powers enumerated in section  
8 16-93-1 and section 16-93-4 the authority to develop guidelines for issuing high school diplomas  
9 to World War II and Korean War veterans who left school early to fight in World War II or the  
10 Korean War. The board of regents shall develop and make available an application and a model  
11 diploma. The high school diploma shall be available to all veterans who left school in any grade  
12 to fight in World War II or the Korean War.

13 SECTION 2. Chapter 16-59 of the General Laws entitled "Board of Governors for Higher  
14 Education" is hereby repealed in its entirety.

15 ~~CHAPTER 16-59~~

16 ~~BOARD OF GOVERNORS FOR HIGHER EDUCATION~~

17 ~~**16-59-1. Board of governors for higher education established.** -- (a) There is created a~~  
18 ~~board of governors for higher education, sometimes referred to as the "board" or the "board of~~  
19 ~~governors", which shall be and is constituted a public corporation, empowered to sue and be sued~~  
20 ~~in its own name, to have a corporate seal, and to exercise all the powers, in addition to those~~  
21 ~~specifically enumerated in this chapter, usually appertaining to public corporations entrusted with~~  
22 ~~control of postsecondary educational institutions and functions. The board shall be protected from~~  
23 ~~sudden changes in membership and reversal of policy by having staggered terms for its public~~  
24 ~~members. Upon its organization the board of governors shall be invested with the legal title (in~~  
25 ~~trust for the state) to all property, real and personal, now owned by and/or under the control or in~~  
26 ~~custody of the board of regents for education for the use of the University of Rhode Island, Rhode~~  
27 ~~Island College, Community College of Rhode Island and the system of community colleges of~~  
28 ~~Rhode Island including all departments, divisions, and branches of these.~~

29 ~~(b) The board of governors is empowered to hold and operate the property in trust for the~~  
30 ~~state; to acquire, hold, and dispose of the property and other like property as deemed necessary~~  
31 ~~for the execution of its corporate purposes. The board of governors is made successor to all~~  
32 ~~powers, rights, duties, and privileges formerly belonging to the board of regents for education~~  
33 ~~pertaining to postsecondary education.~~

34 ~~(c) The board of governors shall consist of thirteen (13) members as follows: twelve (12)~~

1 ~~public members, appointed pursuant to the terms of section 16-59-2, one of whom shall be a full~~  
2 ~~time student in good standing at the University of Rhode Island, Rhode Island College or the~~  
3 ~~Community College of Rhode Island, and a member of the board of regents for elementary and~~  
4 ~~secondary education designated by the governor.~~

5 ~~(d) The public members of the board of governors shall not be compensated for their~~  
6 ~~service in attending meetings or duly organized subcommittee meetings of the board.~~

7 ~~(e) The governor shall designate one of the public members as chairperson of the board~~  
8 ~~of governors. The board may elect from among its members such other officers as it deems~~  
9 ~~necessary. Seven (7) voting members of the board shall constitute a quorum and a majority vote~~  
10 ~~of those present and voting shall be required for action.~~

11 ~~**16-59-2. Appointment of members of the board of governors for higher education.**~~

12 ~~(a) The governor shall, with the advice and consent of the senate establish the board by~~  
13 ~~appointing eleven (11) members to serve in staggered terms. The appointments shall be made for~~  
14 ~~terms of three (3) years commencing on February 1 in the year of the appointment and ending on~~  
15 ~~January 31 in the third (3rd) year thereafter, except in the case of the student member whose~~  
16 ~~appointment shall be for a period of two (2) years.~~

17 ~~(b) At the expiration of their terms members shall remain and continue in their official~~  
18 ~~capacity until a new member is appointed and confirmed. Any vacancy among the public~~  
19 ~~members of the board shall be filled by appointment of the governor for the remainder of the~~  
20 ~~unexpired term. In the selection and appointment of members of the board, the governor shall~~  
21 ~~seek persons who best serve the entire needs of the state. Public members shall not be appointed~~  
22 ~~for more than three (3) successive three (3) year terms each; provided, however, that this~~  
23 ~~limitation shall not apply to that person designated as chairperson by the governor who may be a~~  
24 ~~member so long as he or she shall serve as chairperson. Student members shall be appointed by~~  
25 ~~the governor for a single two (2) year term and shall rotate among the three (3) public institutions.~~

26 ~~(c) No person shall be eligible for appointment to the board after the effective date of~~  
27 ~~this act [March 24, 2006] unless he or she is a resident of this state.~~

28 ~~(d) Members of the board shall be removable by the governor pursuant to the provisions~~  
29 ~~of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or~~  
30 ~~personal reasons unrelated to capacity or fitness for the office shall be unlawful.~~

31 ~~**16-59-3. Removal of public members of board.**~~ Public members of the board of

32 ~~governors shall be removable by the governor for cause only, and removal solely for partisan or~~  
33 ~~personal reasons unrelated to capacity or fitness for the office shall be unlawful. No removal shall~~  
34 ~~be made for any cause except after ten (10) days' notice in writing of specific charges, with~~

1 ~~opportunity for the member to be present in person and with counsel at a public hearing before~~  
2 ~~the governor, to introduce witnesses and documentary evidence in his or her own defense, and to~~  
3 ~~confront and cross-examine adversary witnesses; and appeal shall lie to the superior court from~~  
4 ~~the governor's determination.~~

5 ~~**16-59-4. Powers and duties of board.**~~ -- The board of governors for higher education  
6 ~~shall have, in addition to those enumerated in section 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~~  
11 ~~efficient and economical manner possible.~~

12 ~~(2) To approve a master plan defining broad goals and objectives for higher education in~~  
13 ~~the state including a comprehensive capital development program. These goals and objectives~~  
14 ~~shall be expressed in terms of what men and women should know and be able to do as a result of~~  
15 ~~their educational experience. The board of governors shall continuously evaluate the efforts and~~  
16 ~~results of education in the light of these objectives.~~

17 ~~(3) To formulate broad policy to implement the goals and objectives established and~~  
18 ~~adopted by the board of governors, to adopt standards and require enforcement and to exercise~~  
19 ~~general supervision over all higher public education in the state and over independent higher~~  
20 ~~education in the state as provided in subdivision (8) of this section. The board of governors shall~~  
21 ~~not engage in the operation or administration of any subordinate committee, university, junior~~  
22 ~~college, or community college, except its own office of higher education and except as~~  
23 ~~specifically authorized by an act of the general assembly; provided, the presidents of each~~  
24 ~~institution of higher learning shall be the chief administrative and executive officers of that~~  
25 ~~institution; and provided that nothing contained in this section shall prohibit their direct access to~~  
26 ~~or interfere with the relationship between the presidents and the board of governors. The adoption~~  
27 ~~and submittal of the budget, the approval of tables of organization, the creation, abolishment, and~~  
28 ~~consolidation of departments, divisions, programs, and courses of study, and the acquisition,~~  
29 ~~holding, disposition, and general management of property shall not be construed to come within~~  
30 ~~the purview of the preceding prohibition. The board shall communicate with and seek the advice~~  
31 ~~of the commissioner of higher education and all those concerned with and affected by its~~  
32 ~~determinations as a regular procedure in arriving at its conclusions and in setting its policy.~~

33 ~~(4) To prepare and maintain a five (5) year funding plan for higher education; to prepare~~  
34 ~~with the assistance of the commissioner of higher education and to present annually to the state~~

1 ~~budget officer in accordance with section 35-3-4 a state higher educational budget, which shall~~  
2 ~~include, but not be limited to, the budget of the office of higher education and the budget of the~~  
3 ~~state colleges. In the preparation of the budget, the board shall determine priorities of~~  
4 ~~expenditures for public higher education purposes of state revenues and other public resources~~  
5 ~~made available for the support of higher public education. Nothing contained in this subdivision~~  
6 ~~shall authorize the board to alter the allocation of grants or aid otherwise provided by law.~~

7 ~~(5) To maintain an office of higher education; to provide for its staffing and~~  
8 ~~organization; and to appoint a commissioner of higher education pursuant to section 16-59-6, who~~  
9 ~~shall serve at its pleasure. The commissioner of higher education and the office of higher~~  
10 ~~education shall have the duties and responsibilities as defined in sections 16-59-6 and 16-59-7.~~

11 ~~(6) To appoint and dismiss presidents of the public institutions of higher learning with~~  
12 ~~the assistance of the commissioner of higher education, and to establish procedures for this, and~~  
13 ~~with the assistance of the commissioner to approve or disapprove vice presidents of the public~~  
14 ~~institutions of higher learning appointed by the respective presidents of the public institutions of~~  
15 ~~higher learning.~~

16 ~~(7) To establish other educational agencies or subcommittees necessary or desirable for~~  
17 ~~the conduct of any or all aspects of higher education and to determine all powers, functions, and~~  
18 ~~composition of any agencies or subcommittees and to dissolve them when their purpose shall~~  
19 ~~have been fulfilled.~~

20 ~~(8) To exercise the authority vested in the board of regents for education with relation to~~  
21 ~~independent higher educational institutions within the state under the terms of chapter 40 of this~~  
22 ~~title, and other laws affecting independent higher education in the state.~~

23 ~~(9) To enforce the provisions of all laws relating to higher education, public and~~  
24 ~~independent.~~

25 ~~(10) To be responsible for all the functions, powers, and duties which were vested in the~~  
26 ~~board of regents for education relating to higher education, including but not limited to the~~  
27 ~~following specific functions:~~

28 ~~(i) To approve the tables of organization at public institutions of higher learning with the~~  
29 ~~assistance of the commissioner of higher education.~~

30 ~~(ii) To adopt and require standard accounting procedures for the office of higher~~  
31 ~~education and all public colleges and universities.~~

32 ~~(iii) To create, abolish, and consolidate departments, divisions, programs, and courses of~~  
33 ~~study within the public colleges and universities with the assistance of the commissioner of~~  
34 ~~higher education after consultation with the presidents.~~

1           ~~(iv) To establish a clear and definitive mission for each public institution of higher~~  
2 ~~learning with the assistance of the commissioner of higher education.~~

3           ~~(v) To promote maximum efficiency, economy, and cooperation in the delivery of public~~  
4 ~~higher educational services in the state and cooperation with independent institutions of higher~~  
5 ~~education.~~

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

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

15           ~~(13) To make a formal request of the governor that whenever an opportunity arises to~~  
16 ~~make new appointments to the board, that the governor make every effort to increase the number~~  
17 ~~of African Americans, Native Americans, Asians, and Hispanics on the board.~~

18           ~~(14) Within ninety (90) days after the end of each fiscal year, the board shall submit an~~  
19 ~~annual report to the governor, the speaker of the house of representatives, and the president of the~~  
20 ~~senate of its activities during that fiscal year. The report shall provide: an operating statement~~  
21 ~~summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or~~  
22 ~~regulations promulgated, studies conducted, policies and plans developed, approved, or modified,~~  
23 ~~and programs administered or initiated; a consolidated financial statement of all funds received~~  
24 ~~and expended including the source of the funds, a listing of any staff supported by these funds,~~  
25 ~~and a summary of any clerical, administrative or technical support received; a summary of~~  
26 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~  
27 ~~remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the~~  
28 ~~authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and~~  
29 ~~findings and recommendations for improvements. The director of the department of~~  
30 ~~administration shall be responsible for the enforcement of the provisions of this subsection.~~

31           ~~(15) The board shall conduct a training course for newly appointed and qualified~~  
32 ~~members within six (6) months of their qualification. The course shall be developed by the~~  
33 ~~chairperson of the board, approved by the board, and conducted by the chairperson of the board.~~  
34 ~~The board may approve the use of any board or staff members or other individuals to assist with~~

1 ~~training. The training course shall include instruction in the following areas: the provisions of~~  
2 ~~chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of~~  
3 ~~administration shall, within ninety (90) days of the effective date of this act [March 24, 2006]~~  
4 ~~prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and~~  
5 ~~38-2.~~

6 ~~**16-59-5. Meetings of board.**--- The board shall hold regular meetings at least twice in~~  
7 ~~each quarter of each calendar year. All meetings of the board of governors for higher education~~  
8 ~~shall be open to the public, provided that executive sessions may be held as subordinate parts of~~  
9 ~~public meetings only when matters relating to sensitive personnel or collective bargaining are to~~  
10 ~~be heard.~~

11 ~~**16-59-6. Commissioner of higher education.**--- The board shall appoint a commissioner~~  
12 ~~of higher education, who shall serve at the pleasure of the board, provided that his or her initial~~  
13 ~~engagement by the board shall be for a period of not more than three (3) years. For the purpose of~~  
14 ~~appointing, retaining, or dismissing a commissioner of higher education, the governor shall serve~~  
15 ~~as an additional voting member of the board, and provided that in the case of a tie, the president~~  
16 ~~of the senate shall cast the deciding vote. The position of commissioner shall be in the~~  
17 ~~unclassified service of the state and he or she shall serve as the chief executive officer of the~~  
18 ~~board of governors and as the chief administrative officer of the office of higher education. The~~  
19 ~~commissioner of higher education shall have any duties that are defined in this section and in this~~  
20 ~~title and other additional duties as may be determined by the board, and shall perform any other~~  
21 ~~duties as may be vested in him or her by law. In addition to these duties and general supervision~~  
22 ~~of the office of higher education and the appointment of the several officers and employees of the~~  
23 ~~office, it shall be the duty of the commissioner of higher education:~~

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

27 ~~(2) To prepare a master plan for higher education in the state; to coordinate the goals and~~  
28 ~~objectives of the higher public education sector with the activities of the independent higher~~  
29 ~~education sector where feasible.~~

30 ~~(3) To communicate with and seek the advice of those concerned with and affected by~~  
31 ~~the board of governors' determinations.~~

32 ~~(4) To implement broad policy as it pertains to the goals and objectives established by~~  
33 ~~the board; to enforce standards and to exercise general supervision over higher public education~~  
34 ~~in the state and over independent higher education in the state as provided in subdivision (11) of~~

1 ~~this section; to assist in the preparation of the budget for public higher education and to be~~  
2 ~~responsible upon direction of the board for the allocation of appropriations, the acquisition,~~  
3 ~~holding, disposition, and general management of property.~~

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

6 ~~(6) To assist the board in preparation and maintenance of a five (5) year funding plan for~~  
7 ~~higher education; to assist the board in the preparation and presentation annually to the state~~  
8 ~~budget officer in accordance with section 35-3-4 of a total public higher educational budget.~~

9 ~~(7) To recommend to the board of governors, after consultation with the presidents, a~~  
10 ~~clear and definitive mission for each public institution of higher learning.~~

11 ~~(8) To recommend to the board of governors, after consultation with the presidents,~~  
12 ~~tables of organization for the public institutions of higher learning.~~

13 ~~(9) To annually recommend to the board of governors, after consultation with the~~  
14 ~~presidents, the creation, abolition, retention, or consolidation of departments, divisions, programs,~~  
15 ~~and courses of study within the public colleges and universities to eliminate unnecessary~~  
16 ~~duplication in public higher education and to address the future needs of public higher education~~  
17 ~~in the state.~~

18 ~~(10) To supervise the operations of the office of higher education and any other~~  
19 ~~additional duties and responsibilities that may be assigned by the board.~~

20 ~~(11) To perform the duties vested in the board of governors with relation to independent~~  
21 ~~higher educational institutions within the state under the terms of chapter 40 of this title and any~~  
22 ~~other laws that affect independent higher education in the state.~~

23 ~~(12) To be responsible for the administration of policies, rules, and regulations of the~~  
24 ~~board of governors with relation to the entire field of higher education within the state, not~~  
25 ~~specifically granted to any other department, board, or agency and not incompatible with law.~~

26 ~~(13) To prepare standard accounting procedures for public higher education and all~~  
27 ~~public colleges and universities.~~

28 ~~(14) To carry out the policies and directives of the board of governors through the office~~  
29 ~~of higher education and through utilization of the resources of the public institutions of higher~~  
30 ~~learning.~~

31 ~~(15) (i) To direct the office of higher education to compile and analyze the following~~  
32 ~~information for presentation to the speaker of the house and the governor by May 1st annually:~~

33 ~~(A) A detailed departmental breakdown of all faculty members employed at each state~~  
34 ~~run college and university by rank (including all professors, associate professors, assistant~~

1 ~~professors, lecturers, instructors) and tenure (tenured and non tenured, other) and by race~~  
2 ~~(African American, Hispanic, Native American, and Asian) and gender.~~

3 ~~(B) A detailed report on current student enrollments for each class at each state run~~  
4 ~~college and university by race and gender, by academic department, and by outreach program~~  
5 ~~(e.g. talent development), guaranteed admissions program, and the current levels of funding and~~  
6 ~~staff support for each of these programs.~~

7 ~~(C) A report on the current status of the African and Afro American studies programs at~~  
8 ~~each institution and a five (5) year budgetary history of the programs along with projections for~~  
9 ~~budgetary support for the next two (2) years.~~

10 ~~(D) A plan for recruitment of African American and Hispanic faculty into tenure track~~  
11 ~~positions at each institution with specific reference to and planned involvement with the New~~  
12 ~~England higher education's minority faculty recruitment and development plan.~~

13 ~~(ii) Certified copies of the report shall be furnished to the board of governors and the~~  
14 ~~presidents of the state colleges and universities.~~

15 ~~**16-59-7. Repealed.--**~~

16 ~~**16-59-7.1. Permanent status for non-classified employees.** --- All non-classified~~  
17 ~~employees of the board of governors who shall have twenty (20) years, not necessarily~~  
18 ~~consecutive, of service credit, these credits having been earned in either the classified, non-~~  
19 ~~classified, or unclassified service or any combination of these, shall be deemed to have acquired~~  
20 ~~full status in their positions as the status is defined by section 36-4-59; provided that this~~  
21 ~~provision shall not apply to those employees whose base entry date is after August 7, 1996; and~~  
22 ~~provided that this provision shall not apply to faculty employed by the board of governors nor~~  
23 ~~shall it apply to non-classified employees who have acquired tenure as faculty.~~

24 ~~**16-59-7.2. Longevity payments -- Nonclassified employees.** --- (a) The non-classified~~  
25 ~~employees of the board of governors for higher education, except for faculty employees and~~  
26 ~~except for non-classified employees already receiving longevity increases, shall be entitled to a~~  
27 ~~longevity payment in the amount of five percent (5%) of base salary after ten (10) years of~~  
28 ~~service and increasing to a total of ten percent (10%) of base salary after twenty (20) years of~~  
29 ~~service. The provisions of this section will apply only to employees under the grade of nineteen~~  
30 ~~(19). The longevity payments shall not be included in base salary.~~

31 ~~(b) The board of governors is authorized to promulgate regulations implementing the~~  
32 ~~provisions of this section.~~

33 ~~**16-59-8. Operating executive committee.** --- (a) There is established an operating~~  
34 ~~executive committee which shall be composed of the president of the University of Rhode Island,~~

1 ~~the president of Rhode Island College, the president of Community College of Rhode Island and~~  
2 ~~the commissioner of higher education. The commissioner of higher education shall serve as the~~  
3 ~~chairperson of the committee.~~

4 ~~(b) The committee shall meet on a regular basis, provided, that they shall meet not less~~  
5 ~~than twelve (12) times per year, and the purpose of the committee shall include but not be limited~~  
6 ~~to developing coherent plans for the elimination of unnecessary duplication in public higher~~  
7 ~~education and addressing the future needs of public higher education within the state in the most~~  
8 ~~efficient and economical manner possible. All recommendations and information gathered at the~~  
9 ~~meetings of the committee shall be forwarded to the board of governors by the commissioner of~~  
10 ~~higher education in conjunction with the presidents for approval and disapproval.~~

11 ~~(c) Prior to the presentation of any proposal to the board of governors, the committee~~  
12 ~~shall fully examine its impact on higher education, including but not limited to its impact on~~  
13 ~~educational budgetary requirements, quality of higher education and elimination of unnecessary~~  
14 ~~duplication. The chairperson of the committee may invite additional participation by faculty and~~  
15 ~~other employees when he or she deems it necessary.~~

16 ~~**16-59-9. Educational budget and appropriations.** -- (a) The general assembly shall~~  
17 ~~annually appropriate any sums it deems necessary for support and maintenance of higher~~  
18 ~~education in the state and the state controller is authorized and directed to draw his or her orders~~  
19 ~~upon the general treasurer for the payment of the appropriations or so much of the sums that are~~  
20 ~~necessary for the purposes appropriated, upon the receipt by him or her of proper vouchers as the~~  
21 ~~board of governors for higher education may by rule provide. The board shall receive, review,~~  
22 ~~and adjust the budgets of its several subordinate committees and agencies and for the office of~~  
23 ~~higher education and present the budget as part of the budget for higher education under the~~  
24 ~~requirements of section 35-3-4.~~

25 ~~(b) The office of higher education and the institutions of public higher education shall~~  
26 ~~establish working capital accounts.~~

27 ~~(c) Any tuition or fee increase schedules in effect for the institutions of public higher~~  
28 ~~education shall be received by the board of governors for allocation for the fiscal year for which~~  
29 ~~state appropriations are made to the board of governors by the general assembly; provided that no~~  
30 ~~further increases may be made by the board of governors for the year for which appropriations are~~  
31 ~~made. Except that these provisions shall not apply to the revenues of housing, dining, and other~~  
32 ~~auxiliary facilities at the University of Rhode Island, Rhode Island College, and the Community~~  
33 ~~Colleges including student fees as described in P.L. 1962, ch. 257 pledged to secure indebtedness~~  
34 ~~issued at any time pursuant to P.L. 1962, ch. 257 as amended.~~

1           ~~(d) All housing, dining, and other auxiliary facilities at all public institutions of higher~~  
2 ~~learning shall be self-supporting and no funds shall be appropriated by the general assembly to~~  
3 ~~pay operating expenses, including principal and interest on debt services, and overhead expenses~~  
4 ~~for the facilities. Any debt service costs on general obligation bonds presented to the voters in~~  
5 ~~November 2000 and November 2004 or appropriated funds from the Rhode Island capital plan for~~  
6 ~~the housing auxiliaries at the University of Rhode Island and Rhode Island College shall not be~~  
7 ~~subject to this self-supporting requirement in order to provide funds for the building construction~~  
8 ~~and rehabilitation program. The institutions of public higher education will establish policies and~~  
9 ~~procedures which enhance the opportunity for auxiliary facilities to be self-supporting, including~~  
10 ~~that all faculty provide timely and accurate copies of booklist for required textbooks to the public~~  
11 ~~higher educational institution's bookstore.~~

12           ~~(e) The additional costs to achieve self-supporting status shall be by the implementation~~  
13 ~~of a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,~~  
14 ~~operating expenses, principal, and interest on debt services, and overhead expenses.~~

15           ~~**16-59-9.1. Incentive fund for excellence --- Challenge fund for management and**~~  
16 ~~**administration improvement --- Carry-forward provision.**~~ (a) The general assembly shall  
17 annually appropriate any sums as may be necessary to create and maintain an "incentive fund for  
18 excellence", which shall be used by the board of governors to fund program initiatives to improve  
19 the quality of the undergraduate education offered by the institutions of public higher education.

20           ~~(b) The general assembly shall annually appropriate any sums as may be necessary to~~  
21 ~~create and maintain a "challenge fund for management and administration improvement" to be~~  
22 ~~administered by the board of governors. The board shall award grants to the institutions of public~~  
23 ~~higher education on a competitive basis upon presentation of proposals designed to effect~~  
24 ~~projected administrative savings of an amount equal to or more than the amount of the grant~~  
25 ~~requested.~~

26           ~~(c) Any amounts remaining at the end of any fiscal year in the funds established under~~  
27 ~~subsection (a) or (b), or any amounts allocated to the institutions under these sections, may be~~  
28 ~~carried forward to the next fiscal year.~~

29           ~~(d) The board of governors shall annually report to the general assembly concerning the~~  
30 ~~amounts and specific purposes and the effectiveness of all allocations made from the funds~~  
31 ~~established in subsections (a) and (b).~~

32           ~~**16-59-10. Existing academic privileges preserved.**~~ -- No provision of this chapter shall  
33 ~~be construed to impair academic freedom or academic governance at any institution under the~~  
34 ~~jurisdiction of the board of governors, nor to divest any faculty member of the institution of~~

1 ~~tenure, retirement or other right or benefit to which the member may now be entitled.~~

2 ~~**16-59-11. Investigative powers of board.** -- The board of governors shall have power to~~  
3 ~~investigate all transactions and matters relating to higher public education in the state and to~~  
4 ~~summon witnesses, administer oaths, and to require testimony and the production of records in~~  
5 ~~like manner and to the same extent as a court of law.~~

6 ~~**16-59-12. Exemption from provisions of Administrative Procedures Act.** -- The~~  
7 ~~provisions of the Administrative Procedures Act, chapter 35 of title 42, shall not apply to this~~  
8 ~~chapter.~~

9 ~~**16-59-13. Definitions.** -- Where in this chapter the phrase "public colleges" or "public~~  
10 ~~institutions of higher learning" or "public tax supported institutions of higher learning" or words~~  
11 ~~of similar import are used they shall be taken to mean the University of Rhode Island, Rhode~~  
12 ~~Island College, and Community College of Rhode Island, or any other of these public colleges,~~  
13 ~~public institutions of higher learning, or public tax supported institutions of higher learning which~~  
14 ~~may be created, individually or collectively, as appropriate.~~

15 ~~**16-59-14. Pertinence of certain law relating to state colleges to board of governors.** --~~  
16 ~~The provisions of repealed sections 16-31-8, 16-31-9, 16-31-10, 16-31-11, and 16-31-13~~  
17 ~~previously pertinent to the board of trustees of state colleges and made applicable to the board of~~  
18 ~~governors for education are made applicable to the board of governors for higher education;~~  
19 ~~provided, that section 16-59-23 shall not apply to members of the general assembly in their~~  
20 ~~capacity as members of the board of governors.~~

21 ~~**16-59-15. Liberal construction of chapter required.** -- This chapter shall be construed~~  
22 ~~liberally in aid of its declared purposes.~~

23 ~~**16-59-16. Meaning of terms in existing law.** -- When in any law, resolution, document,~~  
24 ~~record, instrument, proceeding, or other place the words "board of trustees of state colleges" or~~  
25 ~~"boards of regents for education" as they shall apply to higher education shall appear, they shall~~  
26 ~~be construed to mean "board of governors for higher education".~~

27 ~~**16-59-17. Severability.** -- If any provision of this chapter or of any rule or regulation~~  
28 ~~made under this chapter, or its application to any person or circumstance is held invalid by a court~~  
29 ~~of competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of~~  
30 ~~the provision to other persons or circumstances shall not be affected by this invalidity. The~~  
31 ~~invalidity of any section or sections or parts of any section or sections shall not affect the validity~~  
32 ~~of the remainder of the chapter.~~

33 ~~**16-59-18. Receipts from sources other than appropriations.** -- (a) All receipts from all~~  
34 ~~sources other than state appropriations shall not be covered into the general fund of the state, but~~

1 shall be kept by the general treasurer of the state in a separate fund for the board of governors for  
2 higher education, and shall be paid out by the treasurer upon the order of the board, without the  
3 necessity of appropriation or re-appropriation by the general assembly.

4 (b) ~~The board of governors of higher education shall ensure that state colleges and~~  
5 ~~universities have a structure in place to prohibit these colleges and universities from accepting~~  
6 ~~funds that would interfere with or restrict academic freedom at the state colleges and universities.~~  
7 ~~Nothing contained in this subsection shall be construed in a way as to prohibit a donor from~~  
8 ~~earmarking funds for a particular purpose or use including but not limited to research,~~  
9 ~~scholarships, construction, or development.~~

10 ~~**16-59-19. Fiscal accounts -- Receipts -- Petty cash funds.** -- The treasurer of the~~  
11 ~~University of Rhode Island, and the treasurer of the Rhode Island College to be appointed by the~~  
12 ~~board of governors for higher education, shall each keep an accurate account of his or her receipts~~  
13 ~~and expenditures which shall be audited by the state controller in accordance with law. The~~  
14 ~~treasurer of each college shall turn over to the general treasurer at monthly intervals all sums of~~  
15 ~~money received by him or her during the preceding month which shall be credited to the proper~~  
16 ~~accounts and funds by the general treasurer. The state controller shall establish an imprest fund or~~  
17 ~~petty cash fund for the use of the treasurer of each of the colleges for expenditures of any nature~~  
18 ~~as may be approved by the state controller.~~

19 ~~**16-59-20. Audit of expenditures.** -- The pre-audit of all expenditures under authority of~~  
20 ~~the board by the state controller provided for in section 35-6-1 shall be purely ministerial,~~  
21 ~~concerned only with the legality of the expenditure and the availability of the funds, and in no~~  
22 ~~event shall the state controller interpose his or her judgment regarding the wisdom or expediency~~  
23 ~~of any item or items of expenditure.~~

24 ~~**16-59-21. Freedom from budget and lease control by other agencies.** -- In order that~~  
25 ~~the board of governors for higher education may control the personnel and equipment of the state~~  
26 ~~colleges in the interest of educational efficiency, the board and the colleges are excepted from the~~  
27 ~~provisions of subsection (a)(5) of section 35-3-1 relating to the employment of personnel, and~~  
28 ~~from that part of section 42-20-8 which relates to the director of administration.~~

29 ~~**16-59-22. Applicability of merit system -- Teacher certification -- List of positions**~~  
30 ~~**transferable to classified service.** -- (a) The appointment, promotion, salaries, tenure, and~~  
31 ~~dismissal of administrative, instructional, and research employees, and secretarial employees not~~  
32 ~~exceeding ten (10) in number, of the state colleges shall not be subject in any manner or degree to~~  
33 ~~control by the personnel administrator or by any officer or board other than the board of~~  
34 ~~governors for higher education. The certification of teachers at the University of Rhode Island is~~

1 ~~abolished, except for teachers that elect to come or remain under it.~~

2 ~~(b) All positions that are exempt from the Merit System Law, chapter 4 of title 36, which~~  
3 ~~become vacant or that are to be established, must be forwarded to the personnel administrator,~~  
4 ~~who in consultation with the deputy assistant commissioner of education in charge of personnel~~  
5 ~~and labor relations shall determine whether the position(s) in question shall remain in the board of~~  
6 ~~governors for higher education non-classified service or be established in the classified service of~~  
7 ~~the state.~~

8 ~~(c) No position presently in the classified service of the state subject to the Merit System~~  
9 ~~Law, chapter 4 of title 36, shall be changed or modified so as to establish the position in the board~~  
10 ~~of governors for higher education non-classified service.~~

11 ~~(d) Faculty positions, presidents, vice presidents, deans, assistant deans, and student~~  
12 ~~employees of the higher education institutions shall not be covered by the preceding provisions~~  
13 ~~and shall remain in the board of governors for higher education non-classified service.~~

14 ~~**16-59-23. Conflicts of interest.** -- No member of the board of governors for higher~~  
15 ~~education shall be employed in any position under the jurisdiction of the board, nor contract in~~  
16 ~~any manner for any purpose with the board; nor shall the board purchase, sell, or lease any land,~~  
17 ~~property, or supplies from or to any firm or business association of which any member of the~~  
18 ~~board is owner, part owner, or officer or director. No person related by consanguinity or affinity~~  
19 ~~in the first degree to any member of the board shall be employed in any capacity under the~~  
20 ~~board's jurisdiction.~~

21 ~~**16-59-24. Accessibility for people with disabilities.** -- (a) The board of governors shall~~  
22 ~~develop a policy, commitments, and procedures for students with disabilities setting forth the~~  
23 ~~steps necessary to ensure that all public colleges, as defined in section 16-59-13, are accessible to~~  
24 ~~persons with disabilities.~~

25 ~~(b) The plan shall be substantially identical to the plan adopted by Rhode Island College~~  
26 ~~and shall consider all persons' with disabilities needs and shall adopt reasonable accommodations~~  
27 ~~necessary to achieve equal participation in educational opportunities.~~

28 ~~(c) The state building code standards committee shall adopt an accessibility for people~~  
29 ~~with disabilities standard for public colleges that includes provisions ensuring that public colleges~~  
30 ~~are accessible to and usable by all persons with disabilities.~~

31 ~~**16-59-25. Voter registration forms.** -- The admissions offices of all state institutions of~~  
32 ~~higher learning shall include in the admissions information provided to state residents forms for~~  
33 ~~voter registration as described in section 17-9.1-9 to be provided by the state board of elections.~~

34 ~~**16-59-26. The public and private partnership in education.** -- (a) Purpose. -- The state~~

1 ~~of Rhode Island recognizes that research is a primary mission of an institution of higher~~  
2 ~~education. While carrying out its research mission, the state further recognizes that inventions of~~  
3 ~~value to the public will be made by persons working in its public institutions of higher education.~~  
4 ~~The marketing of these inventions will contribute to job creation and to the overall economic~~  
5 ~~well-being of the state of Rhode Island and the nation. It is accordingly the policy of the state to~~  
6 ~~encourage such inventors and inventions and to take appropriate steps to aid the inventor and~~  
7 ~~ensure that the public receives the benefit. In facilitating this policy, the state recognizes the need~~  
8 ~~for cooperation between governmental agencies, private industries, and the inventors themselves.~~

9 (b) ~~Definitions.~~—The following words and phrases used in section 16-59-26 have the  
10 following meaning:

11 (1) ~~"Conflict of interest policies and procedures relating to research and development"~~  
12 ~~refers to policies and procedures adopted by the Rhode Island board of governors for higher~~  
13 ~~education in consultation with the Rhode Island ethics commission, and approved by the Rhode~~  
14 ~~Island ethics commission;~~

15 (2) ~~"Relationship" includes any interest, service, employment, gift, or other benefit or~~  
16 ~~relationship;~~

17 (3) ~~"Research or development" means basic or applied research or development,~~  
18 ~~including:~~

19 (i) ~~The development or marketing of university-owned technology;~~

20 (ii) ~~The acquisition of services of an official or employee, by an entity for research and~~  
21 ~~development purposes;~~

22 (iii) ~~Participation in state economic development programs; or~~

23 (iv) ~~The development or marketing of any technology on the premises of a public~~  
24 ~~institution of higher education by an official or employee of the institution.~~

25 (c) ~~Policy.~~—(1) ~~The Rhode Island board of governors for higher education shall develop~~  
26 ~~conflict of interest policies and procedures based on the purposes expressed in art. 3, section 7 of~~  
27 ~~the Constitution of the State of Rhode Island, section 36-14-1, and in this section.~~

28 (2) ~~The Rhode Island board of governors for higher education shall consult with the~~  
29 ~~Rhode Island ethics commission in developing these policies and procedures and shall submit~~  
30 ~~them to the Rhode Island ethics commission for approval in order to insure conformity with the~~  
31 ~~purposes expressed in art. 3, section 7 of the Constitution of the State of Rhode Island, section 36-~~  
32 ~~14-1, and in this section.~~

33 (d) ~~Policy standards.~~—The policies and procedures adopted by the board of governors for  
34 ~~higher education under subsection (c) of this section shall:~~

1           ~~(1) Require disclosure of any interest in, or employment by, or other relationship with an~~  
2 ~~entity for which an exemption under this section is claimed, on a form filed with the ethics~~  
3 ~~commission and the Rhode Island board of governors for higher education and maintained as a~~  
4 ~~public record at the commission offices, the office of higher education, and at the interested~~  
5 ~~public institution of higher education;~~

6           ~~(2) Require review of all disclosures by a designated official or officials, who shall~~  
7 ~~determine what further information must be disclosed and what restrictions shall be imposed by~~  
8 ~~the Rhode Island board of governors for higher education to manage, reduce, or eliminate any~~  
9 ~~actual or potential conflict of interest;~~

10          ~~(3) Include guidelines to ensure that interests and employment for which an exemption~~  
11 ~~under this section is claimed do not improperly give an advantage to entities in which the interests~~  
12 ~~or employment are maintained, lead to misuse of institution students or employees for the benefit~~  
13 ~~of entities in which the interests or employment are maintained, or otherwise interfere with the~~  
14 ~~duties and responsibilities of the exempt official or employee;~~

15          ~~(4) Require approval by the president of the public institution of higher education of any~~  
16 ~~interest or employment for which an exemption is claimed under this section; and~~

17          ~~(5) Require approval by the Rhode Island board of governors for higher education.~~

18          ~~(e) Relationship permitted.—An official or employee at a public institution of higher~~  
19 ~~education may have a relationship, that would otherwise be prohibited by the Rhode Island Code~~  
20 ~~of Ethics in Government, with an entity engaged in research or development, or with an entity~~  
21 ~~having a direct interest in the outcome of research or development, only if the Rhode Island~~  
22 ~~Board of governors for higher education has adopted policies and procedures in accordance with~~  
23 ~~this section, and the official or employee has complied with the policies and procedures. If the~~  
24 ~~provisions of this section are not met, the official or employee is not exempt from any relevant~~  
25 ~~provisions of the Rhode Island Code of Ethics in Government.~~

26          ~~(f) Annual reporting.—The board of governors for higher education shall report annually~~  
27 ~~to the governor, the president of the senate and the speaker of the house of representatives, and~~  
28 ~~the ethics commission the number of approvals granted under this section and how the conflict of~~  
29 ~~interest policies and procedures adopted pursuant to this section have been implemented in the~~  
30 ~~preceding year.~~

31          ~~(g) Person not eligible.—An official or employee who is a president, or vice president at~~  
32 ~~a public institution of higher education in Rhode Island may not receive an exemption under this~~  
33 ~~section.~~

34          ~~(h) Ethics commission review.—The board of governors for higher education shall~~

1 promptly notify the ethics commission in writing of any exemption that is granted under this  
2 section. If the ethics commission disagrees with an exemption that is granted pursuant to this  
3 section and the conflict of interest policies and procedures relating to research and development  
4 adopted by the board of governors for higher education, within thirty (30) calendar days after the  
5 receipt of the notice described in this section, the ethics commission shall notify the board of  
6 governors for higher education reason for its concern. Upon receipt of such notice from the ethics  
7 commission, the board of governors for higher education shall cause the matter to be re-examined  
8 at an open and public meeting pursuant to section 42-46-1 et seq.

9 ~~**16-59-27. Sale and purchase of degrees solely on the basis of life experience**~~  
10 ~~**prohibited.**~~ (a) The purchase and sale of academic degrees wherein the degree is obtained on  
11 the basis of a combination of a payment of a fee and the attainment of academic credit for so-  
12 called life experiences, without the applicant undertaking any academic coursework at the entity  
13 or institution purporting to issue the degree, shall be prohibited. Provided, this section shall not  
14 prohibit an award of academic credit for work experience or other so-called "life experience" as  
15 part of a program to obtain a degree in higher education, but shall prohibit the award of such  
16 degree solely on the basis of such experience.

17 (b) Pursuant to its investigative powers under section 16-59-11, the board of governors  
18 shall investigate persons and entities brought to the board's attention that purport to offer  
19 academic degrees in violation of this section. By way of direction, and as a guide in enforcing this  
20 section, the general assembly notes that higher education can take many forms, and it is not the  
21 intent of this section to curtail or limit academic freedom and/or the use of alternative methods of  
22 instruction that deviate from traditional norms. Rather, the intent of this section is to prohibit the  
23 awarding and attainment of academic degrees primarily on the basis of purchase and sale, and to  
24 prevent the fraudulent use of life and work experience to attain academic credit.

25 ~~**16-59-28. "Bachelors Degree in Three" program.**~~ (a) The Rhode Island board of  
26 governors for higher education shall establish and administer the "Bachelors Degree in Three"  
27 program. The board shall:

28 (1) Establish guidelines for the "Bachelors Degree in Three" program.

29 (2) Collaborate with the board of regents for elementary and secondary education to  
30 establish a seamless credit transfer system for high school students and other policies that might  
31 facilitate student participation in such a program.

32 (3) Identify and propose any necessary changes to academic courses of study, support  
33 services, financial aid, and other policies and resources at the University of Rhode Island, Rhode  
34 Island College and the Community College of Rhode Island to ensure greater opportunities for

1 ~~students to complete bachelors degree programs in three (3) years.~~

2 ~~(4) Identify potential costs of the program, including costs to students, to the institutions,~~  
3 ~~and to school districts, identify possible sources of external grant funding for a pilot program, and~~  
4 ~~propose a funding structure for the program.~~

5 ~~(5) Investigate accreditation issues and federal financial aid rules that may be implicated~~  
6 ~~by the program.~~

7 ~~(6) Identify units at the University of Rhode Island, Rhode Island College, and the~~  
8 ~~Community College of Rhode Island that will assume administrative responsibility for the~~  
9 ~~program.~~

10 ~~(7) Design, undertake and evaluate a three (3) year pilot program that will serve as a~~  
11 ~~model for full scale implementation.~~

12 ~~(b) The board shall present an initial report, recommendations and timeline to the general~~  
13 ~~assembly on or by February 1, 2011, and the pilot program will begin with the fall academic~~  
14 ~~semester of 2011.~~

15 SECTION 3. Chapter 16-60 of the General Laws entitled "Board of Regents for  
16 Elementary and Secondary Education" is hereby repealed in its entirety.

17 CHAPTER 16-60

18 BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION

19 ~~**16-60-1. Board established.** -- (a) There is created a board of regents for elementary and~~  
20 ~~secondary education sometimes referred to as the "regents" or the "board of regents," which shall~~  
21 ~~be and is constituted a public corporation, empowered to sue and be sued in its own name, to have~~  
22 ~~a corporate seal, and to exercise all the powers, in addition to those specifically enumerated in~~  
23 ~~this chapter, usually appertaining to public corporations entrusted with control of elementary and~~  
24 ~~secondary education institutions and functions. The regents shall be protected from sudden~~  
25 ~~changes in membership and reversal of policy by having staggered terms for its public members.~~

26 ~~(b) Upon its organization the board of regents shall be invested with the legal title (in~~  
27 ~~trust for the state) to all property, real and personal, now owned by and/or under the control or in~~  
28 ~~the custody of the board of regents for education for the use of the department of elementary and~~  
29 ~~secondary education. The board of regents is made successor to all powers, rights, duties, and~~  
30 ~~privileges pertaining to elementary and secondary education.~~

31 ~~(c) The board of regents for elementary and secondary education shall consist of nine (9)~~  
32 ~~members as follows: Eight (8) public members appointed pursuant to the terms of section 16-60-2~~  
33 ~~and a member of the board of governors for higher education designated by the governor. Five (5)~~  
34 ~~voting members of the board shall constitute a quorum and the vote of a majority vote of those~~

1 ~~present and voting shall be required for action.~~

2 ~~The public members of the board of regents shall not be compensated for service in~~  
3 ~~attending meetings or duly organized subcommittee meetings of the board at which business is~~  
4 ~~transacted.~~

5 ~~(d) The governor shall designate one of the public members as chairperson of the board~~  
6 ~~of regents. The board may elect from among its members such other officers as it deems~~  
7 ~~necessary.~~

8 ~~**16-60-2. Appointment of board members.**~~ (a) ~~The governor shall with the advice and~~  
9 ~~consent of the senate establish the board by appointing eight (8) members to serve staggered~~  
10 ~~terms. The appointments shall be made for terms of three (3) years commencing on February 1 in~~  
11 ~~the year of appointment and ending on January 31 in the third (3rd) year after this, except, at the~~  
12 ~~expiration of their terms members shall remain and continue in their official capacity until a new~~  
13 ~~member is appointed and confirmed. Any vacancy among the public members of the board shall~~  
14 ~~be filled by appointment of the governor for the remainder of the unexpired term. In the selection~~  
15 ~~and appointment of members of the board the governor shall seek persons who best serve the~~  
16 ~~entire needs of the state. Public members shall not be appointed for more than three (3)~~  
17 ~~successive three (3) year terms each; provided, that this limitation shall not apply to that person~~  
18 ~~designated as chairperson by the governor who may be a member so long as he or she shall serve~~  
19 ~~as chairperson.~~

20 ~~(b) No person shall be eligible for appointment to the board after the effective date of~~  
21 ~~this act [March 24, 2006] unless he or she is a resident of this state.~~

22 ~~(c) Members of the board shall be removable by the governor pursuant to the provisions~~  
23 ~~of section 36-1-7 of the general laws and for cause only, and removal solely for partisan or~~  
24 ~~personal reasons unrelated to capacity or fitness for the office shall be unlawful.~~

25 ~~**16-60-3. Removal of public members of board.**~~ ~~Public members of the board of~~  
26 ~~regents shall be removable by the governor for cause only, and removal solely for partisan or~~  
27 ~~personal reasons unrelated to capacity or fitness for the office shall be unlawful. No removal shall~~  
28 ~~be made for any cause except after ten (10) days' notice in writing of specific charges, with~~  
29 ~~opportunity for the member to be present in person and with counsel at a public hearing before~~  
30 ~~the governor, to introduce witnesses and documentary evidence in the member's own defense, and~~  
31 ~~to confront and cross-examine adversary witnesses; and appeal shall lie to the superior court from~~  
32 ~~the governor's determination.~~

33 ~~**16-60-4. Board of regents for elementary and secondary education — Powers and**~~  
34 ~~**duties.**~~ ~~The board of regents for elementary and secondary education shall have in addition to~~

1 ~~those enumerated in section 16-60-1, the following powers and duties:~~

2 ~~(1) To approve a systematic program of information gathering, processing, and analysis~~  
3 ~~addressed to every aspect of elementary and secondary 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~~  
6 ~~efficient and economical manner possible.~~

7 ~~(2) To approve a master plan defining broad goals and objectives for elementary and~~  
8 ~~secondary education in the state. These goals and objectives shall be expressed in terms of what~~  
9 ~~men and women should know and be able to do as a result of their educational experience. The~~  
10 ~~regents shall continually evaluate the efforts and results of education in the light of these~~  
11 ~~objectives.~~

12 ~~(3) To formulate broad policy to implement the goals and objectives established and~~  
13 ~~adopted by the board of regents; to adopt standards and require enforcement and to exercise~~  
14 ~~general supervision over all elementary and secondary public and nonpublic education in the state~~  
15 ~~as provided in subdivision (8) of this section. The board of regents shall not engage in the~~  
16 ~~operation or administration of any subordinate committee, local school district, school, school~~  
17 ~~service, or school program, except its own department of elementary and secondary education,~~  
18 ~~and except as specifically authorized by an act of the general assembly. The adoption and~~  
19 ~~submittal of the budget and the allocation of appropriations, the acquisition, holding, disposition,~~  
20 ~~and general management of property shall not be construed to come within the purview of the~~  
21 ~~preceding prohibition. The regents shall communicate with and seek the advice of the~~  
22 ~~commissioner of elementary and secondary education and all those concerned with and affected~~  
23 ~~by its determinations as a regular procedure in arriving at its conclusions and in setting its policy.~~

24 ~~(4) To allocate and coordinate the various educational functions among the educational~~  
25 ~~agencies of the state and local school districts and to promote cooperation among them so that~~  
26 ~~maximum efficiency and economy shall be achieved.~~

27 ~~(5) (i) To prepare with the assistance of the commissioner of elementary and secondary~~  
28 ~~education and to present annually to the state budget officer, in accordance with section 35-3-4, a~~  
29 ~~total educational budget for the elementary and secondary sector which shall include, but not be~~  
30 ~~limited to, the budgets of the department of elementary and secondary education, subordinate~~  
31 ~~boards and agencies, and state aid to local school districts.~~

32 ~~(ii) In the preparation of the budget, the regents shall determine priorities of expenditures~~  
33 ~~for elementary and secondary education purposes of state revenues and other public resources~~  
34 ~~made available for the support of public elementary and secondary education among the various~~

1 ~~education agencies of the state. Nothing contained in this section shall authorize any individual or~~  
2 ~~group of individuals to reallocate resources in a manner other than that prescribed in the budget as~~  
3 ~~appropriations by the general assembly.~~

4 ~~(6) To maintain a department of elementary and secondary education, to provide for its~~  
5 ~~staffing and organization and to appoint a commissioner of elementary and secondary education~~  
6 ~~pursuant to section 16-60-6 who shall serve at its pleasure. The commissioner of elementary and~~  
7 ~~secondary education and the department of elementary and secondary education shall have any~~  
8 ~~duties and responsibilities as defined in sections 16-60-6 and 16-60-7.~~

9 ~~(7) To establish other educational agencies or subcommittees necessary or desirable for~~  
10 ~~the conduct of any or all aspects of elementary and secondary education and to determine all~~  
11 ~~powers, functions, and composition of any agencies or subcommittees and to dissolve them when~~  
12 ~~their purpose shall have been fulfilled; provided that nothing contained in this subdivision shall~~  
13 ~~be construed to grant the regents the power to establish subcommittees or agencies performing the~~  
14 ~~duties and functions of local school committees except as provided in section 16-1-10.~~

15 ~~(8) To exercise the authority previously vested in the board of regents for education with~~  
16 ~~relation to secondary nonpublic educational institutions within the state under the terms of~~  
17 ~~chapter 40 of this title and other laws affecting nonpublic education in the state, and to cause the~~  
18 ~~department of elementary and secondary education to administer the provisions of that section.~~

19 ~~(9) To exercise all the functions, powers and duties which previously were vested in the~~  
20 ~~board of regents for education, under the provisions of former section 16-49-4(9), including but~~  
21 ~~not limited to the following specific functions:~~

22 ~~(i) To approve the basic subjects and courses of study to be taught and instructional~~  
23 ~~standards required to be maintained in the public elementary and secondary schools of the state.~~

24 ~~(ii) To adopt standards and qualifications for the certification of teachers and to provide~~  
25 ~~for the issuance of certificates, and to establish fees for the certification of teachers. The fees~~  
26 ~~collected for the certification of teachers along with various education licensing and testing fees~~  
27 ~~shall be deposited by the board of regents as general revenues. The funds appropriated by the~~  
28 ~~general assembly shall be utilized by the department of elementary and secondary education to~~  
29 ~~establish and support programs which enhance the quality and diversity of the teaching~~  
30 ~~profession. The commissioner of elementary and secondary education shall regularly make~~  
31 ~~recommendations to the board about specific programs and projects to be supported by those~~  
32 ~~funds. The commissioner shall oversee the funds, assess the effectiveness of its programs and~~  
33 ~~projects, and make recommendations about the general use and operation of the funds to the~~  
34 ~~board.~~

- 1           ~~(iii) To be responsible for the distribution of state school funds.~~
- 2           ~~(iv) To determine the necessity of school construction and to approve standards for~~  
3 ~~design and construction of school buildings throughout the state.~~
- 4           ~~(v) To set standards for school libraries and school library services.~~
- 5           ~~(vi) To make recommendations relative to transportation of pupils to school, school bus~~  
6 ~~routes, time schedules, and other matters relating to pupil transportation.~~
- 7           ~~(vii) To enforce the provisions of all laws relating to elementary and secondary~~  
8 ~~education.~~
- 9           ~~(viii) To decide and determine appeals from decisions of the commissioner.~~
- 10          ~~(ix) To prescribe forms for the use of local school committees and local officers when~~  
11 ~~reporting to the department of elementary and secondary education.~~
- 12          ~~(x) To adopt and require standard accounting procedures for local school districts, except~~  
13 ~~as provided for in subdivision (3) of section 16-24-2.~~
- 14          ~~(xi) To adopt and require standard uniform operating and capital budgeting procedures~~  
15 ~~for local school districts.~~
- 16          ~~(10) To establish rules for the approval and accrediting of elementary and secondary~~  
17 ~~schools.~~
- 18          ~~(11) To recommend to the general assembly changes in the size and number of the~~  
19 ~~school districts within the state; and to make any further and other recommendations to the~~  
20 ~~general assembly as the board of regents may determine to be necessary or desirable, including,~~  
21 ~~but not limited to, proposals for incentives for the coordination of services and facilities of certain~~  
22 ~~school districts and the feasibility of granting taxing authority to local school committees upon~~  
23 ~~their request, and the impact upon the quality of education within that particular community by~~  
24 ~~granting the request. In carrying out this duty, the board of regents shall periodically issue reports~~  
25 ~~in school district organizations for selected regions and school districts.~~
- 26          ~~(12) To exercise all other powers with relation to the field of elementary and secondary~~  
27 ~~education within this state not specifically granted to any other department, board, or agency, and~~  
28 ~~not incompatible with law, which the board of regents for elementary and secondary education~~  
29 ~~may deem advisable.~~
- 30          ~~(13) To exercise the authority previously vested in the board of regents for education~~  
31 ~~with relation to adult education as defined in section 16-58-2 and to establish definitive goals for~~  
32 ~~and operate a comprehensive delivery system for adult education programs and services,~~  
33 ~~including the counseling and testing of persons interested in obtaining high school equivalency~~  
34 ~~diplomas, the issuance of diplomas, and the maintenance of a permanent record of applications,~~

1 ~~tests, and equivalency diplomas.~~

2 ~~(14) To promote maximum efficiency and economy in the delivery of elementary and~~  
3 ~~secondary educational services in the state.~~

4 ~~(15) To approve a training program for school committee members to enhance their~~  
5 ~~individual skills and their effectiveness as a corporate body. The training program should include,~~  
6 ~~but not be limited to, the following roles and responsibilities of school committees: strategic~~  
7 ~~planning, human and community relations, and school finance and budgeting.~~

8 ~~(16) Within ninety (90) days after the end of each fiscal year, the board shall submit an~~  
9 ~~annual report to the governor, the speaker of the house of representatives, and the president of the~~  
10 ~~senate of its activities during that fiscal year. The report shall provide: an operating statement~~  
11 ~~summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or~~  
12 ~~regulations promulgated, studies conducted, policies and plans developed, approved, or modified,~~  
13 ~~and programs administered or initiated; a consolidated financial statement of all funds received~~  
14 ~~and expended including the source of the funds, a listing of any staff supported by these funds,~~  
15 ~~and a summary of any clerical, administrative or technical support received; a summary of~~  
16 ~~performance during the previous fiscal year including accomplishments, shortcomings and~~  
17 ~~remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the~~  
18 ~~authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and~~  
19 ~~findings and recommendations for improvements. The director of the department of~~  
20 ~~administration shall be responsible for the enforcement of the provisions of this subsection.~~

21 ~~(17) To prepare with the assistance of the commissioner a multi-year plan of priority~~  
22 ~~educational goals and objectives. This plan should recommend policy objectives, implementation~~  
23 ~~strategies, and a timetable for major policy initiatives.~~

24 ~~(18) Each year the governor shall by writing notify the board of regents for elementary~~  
25 ~~and secondary education concerning broad economic, cultural, and social needs that the education~~  
26 ~~system needs to consider which the board shall address in developing educational plans and~~  
27 ~~programs.~~

28 ~~(19) Appoint a standing committee that will develop a schedule to systematically review~~  
29 ~~all board policies over a three (3) year period.~~

30 ~~(20) To prepare with the assistance of the commissioner a statement of regulatory policy.~~  
31 ~~This policy should set forth the goals and objectives of state regulations which are expressed in~~  
32 ~~terms of what educational inputs and outputs the board expects regulations to address.~~

33 ~~(21) (i) To prepare with the assistance of the commissioner of elementary and secondary~~  
34 ~~education and to present annually to the general assembly by January 1 a report on school~~

1 ~~discipline in Rhode Island schools. This report shall include:~~

2 ~~(A) Expulsions by district, including duration and the reason for each action.~~

3 ~~(B) Suspensions by district, including duration and the reason for each action.~~

4 ~~(C) Placements to alternative programs for disciplinary reasons.~~

5 ~~(D) Assaults of teachers, students, and school staff by students.~~

6 ~~(E) Incidents involving possession of weapons on school property. For the purpose of~~

7 ~~this section, a weapon shall be considered any of those weapons described in sections 11-47-2~~

8 ~~and 11-47-42.~~

9 ~~(F) Incidents of the sale of controlled substances by students.~~

10 ~~(G) Incidents of the possession with the intent to sell controlled substances by students.~~

11 ~~(H) Additional demographic information including, but not limited to, the ethnic and~~

12 ~~racial classifications, age, and gender, as prescribed by the commissioner, of each of the students~~

13 ~~involved in the incidents, events or actions described in subparagraphs (A) through (G) of this~~

14 ~~subdivision.~~

15 ~~(I) A description of the education program provided to each student suspended for over~~

16 ~~ten (10) consecutive school days in a school year.~~

17 ~~(ii) All school superintendents shall supply the necessary information on forms~~

18 ~~established by the commissioner of elementary and secondary education to the board of regents to~~

19 ~~assist in the preparation of the board of regents' report on school discipline.~~

20 ~~(22) To prepare and promulgate a uniform statewide school reporting system which~~

21 ~~would provide information including, but not limited to, the following:~~

22 ~~(i) Student and teacher attendance rates;~~

23 ~~(ii) Standardized test scores;~~

24 ~~(iii) Demographic profiles;~~

25 ~~(iv) Results of polls of students, parents, and teachers;~~

26 ~~(v) Descriptions of goals, initiatives, and achievements;~~

27 ~~(vi) Best teaching practices;~~

28 ~~(vii) Alternative student assessments;~~

29 ~~(viii) Special programs;~~

30 ~~(ix) Number of student suspensions and teacher grievances and the amount of parental~~

31 ~~involvement.~~

32 ~~(23) The board shall conduct a training course for newly appointed and qualified~~

33 ~~members within six (6) months of their qualification. The course shall be developed by the~~

34 ~~chairperson of the board, approved by the board, and conducted by the chairperson of the board.~~

1 ~~The board may approve the use of any board or staff members or other individuals to assist with~~  
2 ~~training. The training course shall include instruction in the following areas: the provisions of~~  
3 ~~chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of~~  
4 ~~administration shall, within ninety (90) days of the effective date of this act, prepare and~~  
5 ~~disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.~~

6 ~~**16-60-4.1. Granting of high school diplomas for World War II and Korean War**~~  
7 ~~**veterans.** --- The board of regents shall have in addition to all the powers enumerated in section~~  
8 ~~16-60-1 and section 16-60-4 the authority to develop guidelines for issuing high school diplomas~~  
9 ~~for World War II and Korean War veterans who left school early to fight in World War II or the~~  
10 ~~Korean War. The board of regents shall develop and make available an application and a model~~  
11 ~~diploma. The high school diploma shall be available to all veterans who left school in any grade~~  
12 ~~to fight in World War II or the Korean War.~~

13 ~~**16-60-5. Meetings of board.** --- (a) The regents shall hold regular meetings at least twice~~  
14 ~~in each quarter of each calendar year. All meetings of the board of regents for elementary and~~  
15 ~~secondary education shall be open to the public, provided that executive sessions may be held as~~  
16 ~~subordinate parts of public meetings. Every February at a time and place to be determined by the~~  
17 ~~regents, the regents shall hold a meeting to which it shall invite the entire membership of the~~  
18 ~~general assembly. At least thirty (30) days' written notice of the annual meeting shall be furnished~~  
19 ~~to each invitee, which notice shall include an agenda of the meeting, which agenda shall include~~  
20 ~~but not be limited to the budget submitted for the fiscal year beginning July 1 of the next fiscal~~  
21 ~~period.~~

22 ~~(b) In addition to other meetings, the regents shall hold at least one regular public~~  
23 ~~meeting annually with representatives of the Rhode Island League of Cities and Towns, the~~  
24 ~~Rhode Island Association of School Committees, the Rhode Island School Superintendent's~~  
25 ~~Association, the Rhode Island Principal's Association, the National Education Association of~~  
26 ~~Rhode Island and the Rhode Island Federation of Teachers, for the purposes of obtaining their~~  
27 ~~recommendations and comments regarding education policy and programs, and securing~~  
28 ~~information from representatives of these organizations concerning the effectiveness of~~  
29 ~~educational programs and policies, and considering any other mutually agreeable subjects.~~

30 ~~**16-60-6. Commissioner of elementary and secondary education.** --- The regents shall~~  
31 ~~appoint a commissioner of elementary and secondary education who shall serve at the pleasure of~~  
32 ~~the regents, provided that the commissioner's initial engagement by the regents shall be for a~~  
33 ~~period of not more than three (3) years. For the purpose of appointing, retaining, or dismissing a~~  
34 ~~commissioner, the governor shall serve as an additional voting member of the board of regents,~~

1 ~~and provided that in the case of a tie, the president of the senate shall cast the deciding vote. The~~  
2 ~~position of commissioner shall be in the unclassified service of the state and he or she shall serve~~  
3 ~~as the chief executive officer of the board of regents and as the chief administrative officer of the~~  
4 ~~department of elementary and secondary education. The commissioner of elementary and~~  
5 ~~secondary education shall have the duties that are defined in this section and in this title and any~~  
6 ~~other additional duties that may be determined by the regents, and shall perform any other duties~~  
7 ~~that may be vested in the commissioner by law. In addition to the general supervision of the~~  
8 ~~department of elementary and secondary education and the appointment of the several officers~~  
9 ~~and employees of the department, it shall be the duty of the commissioner of elementary and~~  
10 ~~secondary education:~~

11 ~~(1) To develop and implement a systematic program of information gathering,~~  
12 ~~processing, and analysis addressed to every aspect of elementary and secondary education in the~~  
13 ~~state, especially as that information relates to current and future educational needs.~~

14 ~~(2) To prepare a master plan for elementary and secondary education in the state; to~~  
15 ~~coordinate the goals and objectives of the public elementary and secondary education sector with~~  
16 ~~the activities of the nonpublic elementary and secondary education sector where feasible.~~

17 ~~(3) To communicate with and seek the advice of those concerned with and affected by~~  
18 ~~the board of regents' determinations.~~

19 ~~(4) To implement broad policy as it pertains to the goals and objectives established by~~  
20 ~~the regents; to enforce standards and to exercise general supervision over public elementary and~~  
21 ~~secondary education in the state and over all elementary and secondary nonpublic education in~~  
22 ~~the state as provided in subdivision (8) of this section; to assist in the preparation of the budget~~  
23 ~~for elementary and secondary education and to be responsible upon direction of the regents for~~  
24 ~~the allocation of appropriations, the acquisition, holding, disposition, and general management of~~  
25 ~~property.~~

26 ~~(5) To be responsible for the coordination of the various elementary and secondary~~  
27 ~~educational functions among the educational agencies of the state including local school districts~~  
28 ~~and to encourage and to assist in the cooperation among them so that maximum efficiency and~~  
29 ~~economy may be achieved.~~

30 ~~(6) To assist the regents in the preparation and presentation annually to the state budget~~  
31 ~~officer, in accordance with section 35-3-4, of a total state elementary and secondary educational~~  
32 ~~budget which shall include, but not be limited to, the budget of the department of elementary and~~  
33 ~~secondary education, subcommittees and agencies, and state aid to local school districts.~~

34 ~~(7) To supervise the operation of the department of elementary and secondary education,~~

1 ~~to have the duties as defined in section 16-1-5 and in this title or in law wherever outlined, and~~  
2 ~~other additional duties and responsibilities that may be assigned by the regents.~~

3 ~~(8) To perform the duties vested in the board of regents with relation to nonpublic~~  
4 ~~elementary and secondary educational institutions within the state under the terms of chapter 40~~  
5 ~~of this title, and other laws that affect nonpublic elementary and secondary education in the state.~~

6 ~~(9) To supervise the following specific functions:~~

7 ~~(i) To recommend the basic subjects and courses of study to be taught and instructional~~  
8 ~~standards to be maintained in the public elementary and secondary schools in the state.~~

9 ~~(ii) To recommend standards and qualifications of teachers and to issue certificates upon~~  
10 ~~approval of standards and qualifications by the regents.~~

11 ~~(iii) To distribute state school funds in accordance with law and regulations of the board~~  
12 ~~of regents.~~

13 ~~(iv) To certify as to the necessity of school construction and that standards and design~~  
14 ~~are in accordance with law and regulations of the regents and to approve a design for school~~  
15 ~~construction throughout the state.~~

16 ~~(v) To certify that school library standards and services are in accordance with law and~~  
17 ~~regulations of the board of regents.~~

18 ~~(vi) To recommend to the board of regents matters relating to the transportation of pupils~~  
19 ~~to school.~~

20 ~~(vii) To require the observance of all laws relating to elementary and secondary schools~~  
21 ~~and education.~~

22 ~~(viii) To interpret school law and to decide any controversies that may be appealed to~~  
23 ~~him or her from decisions of local school committees.~~

24 ~~(ix) To prepare and recommend standard forms for the use of local schools when~~  
25 ~~reporting to the department of elementary and secondary education.~~

26 ~~(x) To prepare standard accounting and auditing procedures for local school districts,~~  
27 ~~except for the purposes of subdivision (3) of section 16-24-2 which shall be done in conjunction~~  
28 ~~with the auditor general.~~

29 ~~(xi) To prepare uniform budgeting procedures for local school districts.~~

30 ~~(xii) To determine when special purpose grants made to local school districts shall be~~  
31 ~~eligible for reimbursement through the school operations aid formula in accordance with chapter~~  
32 ~~7 of this title, and to designate the purpose(s) for which the local school district may use the~~  
33 ~~school operations aid reimbursement, including reimbursement on local matching funds used to~~  
34 ~~support the special purpose grant. The commissioner shall promulgate and adopt rules and~~

1 ~~regulations to carry out the intent of this subsection.~~

2 ~~(10) To approve and accredit elementary and secondary schools in accordance with the~~  
3 ~~policy and regulations of the board of regents.~~

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

8 ~~(12) To receive from law enforcement agencies a list periodically of the names of Rhode~~  
9 ~~Island missing children and to disseminate these lists to local school districts.~~

10 ~~**16-60-7. Department of elementary and secondary education --- Personnel board.---**~~

11 ~~(a) The board of regents shall maintain a department of elementary and secondary education~~  
12 ~~which shall perform the research, administrative, and instructional functions and duties, including~~  
13 ~~technical assistance and statewide educational information services for local school districts,~~  
14 ~~required of the regents by the provisions of this chapter. Within that department the appointment,~~  
15 ~~promotion, salaries, term of service, and dismissal of all professional employees, including~~  
16 ~~instructional and research employees, administrative employees, and secretaries shall be at the~~  
17 ~~pleasure of the commissioner of elementary and secondary education except that the regents shall~~  
18 ~~approve all assistant commissioners; all professional employees, including instructional and~~  
19 ~~research employees, and administrative employees may be initially engaged under contract for~~  
20 ~~not more than two (2) years. All professional employees, including instructional and research~~  
21 ~~employees, and administrative employees shall not be in the classified service of the state nor be~~  
22 ~~subject in any manner of control by the personnel administrator or by any officer or board other~~  
23 ~~than the commissioner of elementary and secondary education; provided, that all permanent~~  
24 ~~appointments of the commissioner to vacant, reestablish or newly established positions shall be~~  
25 ~~subject to approval by the Emergency Hiring Council established by Executive Order 95-2. All~~  
26 ~~appointments to positions at state operated schools shall be exempt from the preceding~~  
27 ~~requirement provided that total full-time equivalent positions are within the authorized cap and all~~  
28 ~~these personnel are assigned exclusively to the schools. The hiring of individuals on a contract~~  
29 ~~basis shall be subject to state purchasing requirements. All non-classified employees of the board~~  
30 ~~of regents who shall have twenty (20) years, not necessarily consecutive, of service credit, these~~  
31 ~~credits having been earned in either the classified, non-classified, or unclassified service or any~~  
32 ~~combination of these, shall be deemed to have acquired full status in their positions as the status~~  
33 ~~is defined by section 36-4-59; provided, that this provision shall not apply to those employees~~  
34 ~~whose base entry date is after August 7, 1996; and provided that this provision shall not apply to~~

1 ~~faculty employed by the board of regents nor shall it apply to non-classified employees who have~~  
2 ~~acquired tenure as faculty. Employees who had permanent status prior to May 7, 1981, shall~~  
3 ~~continue to retain their status. Persons employed by the department on February 1, 1974 in either~~  
4 ~~the classified or unclassified service and who were receiving longevity payments on or before~~  
5 ~~February 1, 1974 shall continue to be eligible for longevity benefits upon transfer to the non-~~  
6 ~~classified service within the department.~~

7 ~~(b) The table of organization, as submitted by the commissioner of elementary and~~  
8 ~~secondary education, together with the pay ranges, shall be subject to approval by the board of~~  
9 ~~regents.~~

10 ~~**16-60-7.1. Early childhood training and resource center -- Board of advisors.**~~ (a)

11 ~~The department of elementary and secondary education shall establish, maintain, and operate, in~~  
12 ~~accordance with the guidelines of the board of advisors created pursuant to subsection (b) of this~~  
13 ~~section, a training and resource center to serve as a source of information regarding training and~~  
14 ~~resources for early childhood and child care professionals which would:~~

15 ~~(1) Provide information regarding requirements and/or sources for licensure, approval,~~  
16 ~~and certification;~~

17 ~~(2) Provide information regarding sources of training to meet specific needs;~~

18 ~~(3) Maintain contact with professional organizations, state departments, higher education~~  
19 ~~institutions, and other resources for training;~~

20 ~~(4) Develop a newsletter for dissemination of vital information regarding topics as~~  
21 ~~department of health alerts, changes in department of human services programs, and eligibility~~  
22 ~~criteria for persons seeking child care;~~

23 ~~(5) Develop and conduct training for which no identified training source currently exists;~~

24 ~~(6) Develop a speakers' bureau;~~

25 ~~(7) Maintain a calendar of events for early childhood/child care professionals; and~~

26 ~~(8) Provide any other services that the board of advisors shall deem necessary.~~

27 ~~(b) To guide the department in the establishment, location, maintenance, and operation~~  
28 ~~of the training and resource center, the department shall establish a board of advisors consisting~~  
29 ~~of representatives from each of the following agencies, departments, professional associations,~~  
30 ~~and educational institutions: department of children, youth, and families; department of human~~  
31 ~~services; department of elementary and secondary education; department of health; Rhode Island~~  
32 ~~Association for the Education of Young children; Rhode Island Early Childhood Resource~~  
33 ~~Center; Rhode Island Association for Home Day Care; Rhode Island Day Care Director's~~  
34 ~~Association; Association for Childhood Education, Providence area; Rhode Island Head Start~~

1 ~~Director's Association; Community College of Rhode Island; Rhode Island College; the~~  
2 ~~University of Rhode Island; and any other agencies, departments, institutions, and associations as~~  
3 ~~the advisory board shall prescribe.~~

4 ~~**16-60-7.2. Longevity payments -- Nonclassified employees.**~~ (a) ~~The non-classified~~  
5 ~~employees of the board of regents for elementary and secondary education, except for non-~~  
6 ~~classified employees already receiving longevity increases, shall be entitled to a longevity~~  
7 ~~payment in the amount of five percent (5%) of base salary after ten (10) years of service and~~  
8 ~~increasing to a total of ten percent (10%) of base salary after twenty (20) years of service. The~~  
9 ~~provisions of this section shall apply only to employees under the grade of nineteen (19). The~~  
10 ~~longevity payments shall not be included in base salary.~~

11 ~~(b) The board of regents is authorized to promulgate regulations implementing the~~  
12 ~~provisions of this section.~~

13 ~~**16-60-7.3. Statewide purchasing system and programs.**~~ (a) ~~The department of~~  
14 ~~elementary and secondary education, together with the department of administration, is~~  
15 ~~authorized to develop and implement a voluntary statewide purchasing system for all public~~  
16 ~~schools in this state, including regional school districts. Said system may be utilized for the~~  
17 ~~purchase of all goods, supplies and services to support and enhance public school operations~~  
18 ~~under a statewide contract, and shall include, but not be limited to, the following goods, supplies~~  
19 ~~and services:~~

20 ~~(1) General school supplies such as paper goods, office supplies, textbooks and cleaning~~  
21 ~~products that are or may be utilized by school departments;~~

22 ~~(2) Telecommunications, wireless services, computer equipment, hardware and software~~  
23 ~~that have been identified by local school departments as needed to support curriculum objectives;~~

24 ~~(3) General non-medical and dental insurance products and services; provided however,~~  
25 ~~that the statewide purchasing system shall permit districts to establish their own benefit and~~  
26 ~~coverage levels.~~

27 ~~(b) Notwithstanding the provisions of any general or public law to the contrary,~~  
28 ~~including the provisions of chapter 2 of title 37, the department of elementary and secondary~~  
29 ~~education and local and regional school districts are authorized to participate in purchasing~~  
30 ~~collaboratives, consisting of two (2) or more states. Said participation shall be subject to prior~~  
31 ~~approval of the chief purchasing officer and rules and regulations promulgated by the department.~~

32 ~~**16-60-8. State educational budget and appropriations.**~~ -- ~~The general assembly shall~~  
33 ~~annually appropriate any sums as it deems necessary for support and maintenance of elementary~~  
34 ~~and secondary education in the state and the state controller is authorized and directed to draw his~~

1 ~~or her orders upon the general treasurer for the payment of those appropriations or so much of~~  
2 ~~this sum as may be necessary for the purposes appropriated, upon the receipt by the controller of~~  
3 ~~proper vouchers as the board of regents for elementary and secondary education may by rule~~  
4 ~~provide. The regents shall receive, review, and adjust the budget of its several subordinate~~  
5 ~~committees and agencies and present the budget as part of the budget for elementary and~~  
6 ~~secondary education.~~

7 ~~**16-60-8.1. Regents recovery for indirect costs.** -- The regents shall apply for recovery~~  
8 ~~of indirect cost when recovery is permissible under federal statute and grant regulations. All~~  
9 ~~funds received for indirect costs recovery shall be turned over to the general treasurer and shall be~~  
10 ~~placed in a restricted account for specific purposes designated by the regents. The regents shall~~  
11 ~~annually report to the general assembly the estimated amount of federal indirect cost recoveries~~  
12 ~~for the next fiscal year together with the intended use of the funds.~~

13 ~~**16-60-9. Investigative powers of board.** -- The board of regents shall have the power to~~  
14 ~~investigate all transactions and matters relating to public elementary and secondary education in~~  
15 ~~the state and to summon witnesses, administer oaths, and to require testimony and the production~~  
16 ~~of records in the same manner and to the same extent as a court of law.~~

17 ~~**16-60-10. Applicability of Administrative Procedures Act.** -- The provisions of~~  
18 ~~sections 42-35-1 through 42-35-8 shall apply to this chapter.~~

19 ~~**16-60-11. Liberal construction of chapter required.** -- This chapter shall be construed~~  
20 ~~liberally in aid of its declared purpose.~~

21 ~~**16-60-12. Meaning of terms in existing law.** -- When in any law, resolution, document,~~  
22 ~~record, instrument, proceeding, or other place the words "board of education," "state board of~~  
23 ~~education," or "board of regents for education" as they shall apply to elementary and secondary~~  
24 ~~education shall appear they shall be construed to mean "board of regents for elementary and~~  
25 ~~secondary education".~~

26 ~~**16-60-13. Severability.** -- If any provision of this chapter or of any rule or regulation~~  
27 ~~made under it, or its application to any rule or regulation made under it, or its application to any~~  
28 ~~person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the~~  
29 ~~chapter, rule, or regulation and the application of that provision to other persons or circumstances~~  
30 ~~shall not be affected the invalidity. The invalidity of any section or sections or parts of any~~  
31 ~~section or sections shall not affect the validity of the remainder of the chapter.~~

32 SECTION 4. In order that there be no interruption in the administrative business of the  
33 state, the actual transfer of powers, duties, functions, and personnel from the board of governors  
34 for higher education and the board of regents for elementary and secondary education shall take

1 place effective March 1, 2012. Prior to said time, representatives from all relevant departments,  
2 offices, and agencies shall meet and work with the governor and any other relevant entities to  
3 address the transfer and to put such processes in place as to insure that there be no interruption in  
4 the administrative business of the state by these transfer of these powers, duties, functions, and  
5 personnel. All reasonable efforts shall be made to insure the board of regents for education is in  
6 operation on March 1, 2012. Provided, the governor may make temporary, interim, or acting  
7 appointments on March 1, 2012, without the advice and consent of the senate, to insure the  
8 uninterrupted continuation of the provision of education services under this title 16, "Education,"  
9 as to any appointments that may not be made with due diligence prior to March 1, 2012 date.  
10 Such interim appointments shall last no longer than and shall expire no later than the appointment  
11 of those persons as provided in chapter 16-93, or by July 1, 2012, whichever occurs first.

12 SECTION 5. Sections 1, 2, and 3 of this act shall take effect on March 1, 2012, except  
13 that the provisions in the new Rhode Island General Laws 16-93-3 set forth in Section 1 shall take  
14 effect upon passage. The remaining sections of this act shall take effect upon passage.

=====  
LC02698  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION - THE BOARD OF REGENTS FOR EDUCATION

\*\*\*

1           This act would establish a new department of state government to be known as the Board  
2 of Regents for Education. This new entity would combine and assume the duties of the Board of  
3 Regents for Elementary and Secondary Education, and the Board of Governors for Higher  
4 Education, into one entity. The Board of Regents for Elementary and Secondary Education, and  
5 the Board of Regents for Higher Education would be dissolved.

6           Sections 1, 2, and 3 of this act would take effect on March 1, 2012, except that the  
7 provisions in the new Rhode Island General Laws section 16-93-3 set forth in Section 1 would  
8 take effect upon passage. The remaining sections of this act would take effect upon passage.

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