



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
BUDGET OFFICE
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Memorandum

To: The Honorable Raymond Gallison
Chairman, House Finance Committee

The Honorable Daniel DaPonte
Chairman, Senate Finance Committee

From: Thomas A. Mullaney
Executive Director/State Budget Officer

Date: April 23, 2014 *Thomas A. Mullaney*

Subject: Amendments to the FY 2015 Appropriations Act (13-H-7133)

The Governor requests that Article 20 – Relating to Education be amended as reflected in the attached version. The requested changes are shaded in grey and explained below.

First, the amendment cleans up some language determined to be incorrect or inaccurate after a further review of the original article and also clarifies that this bill does not affect shared governance practices at the campus level.

Second, the amendment gives the Governor the authority to appoint individuals not only to serve on the Board of Education, but also on each specific council. The size of the board is also increased to seventeen (17) members, with eight (8) members assigned to each council, plus the Board Chair, for a total of nine (9) on each council. This will assure that there are no tie votes on either council. Board appointments will also be limited to no more than three consecutive terms.

Third, the amendment adds the Chair of the Governor's Workforce Board, or designee, and the Chair of the Rhode Island Commerce Corporation, or designee, to serve on the Board of Education as non-voting, ex officio members.

Finally, in accordance with separation of powers, the amendment removes historical language granting the President of the Senate a tie breaking vote on Board matters.

If you have any questions regarding this amendment, please feel free to call me or my staff at 222-6300.

TAM:14-Amend-20

TDD#: 277-1227

Attachments

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Steve Hartford, Director of Policy
Richard Licht, Director of Administration
Peter Marino, Director, Office of Management and Budget
Gregory Stack, Supervising Budget Analyst

1 and scope adopted by the council on postsecondary education pursuant to § 16-59-4. Any new or
2 proposed eliminations of departments, divisions, programs or courses of study that are outside the role
3 and scope approved by the council shall require the review and approval of the council on postsecondary
4 education.

5 (b) To adopt a budget for the university and submit it to the council on postsecondary education
6 for approval.

7 (c) To be responsible for the general management of property of the university.

8 (d) To recommend to the council on postsecondary education, after consultation with the
9 commissioner of postsecondary education, tables of organization for the university.

10 (e) To submit to the office of postsecondary commissioner and to compile and analyze the
11 following information for presentation to the council on postsecondary education and the board of
12 education annually by May 1st the following:

13 (1) A detailed departmental breakdown of all faculty members employed at the university by rank
14 (including all professors, associate professors, assistant professors, lecturers, and instructors) and tenure
15 (tenured and non-tenured, and other) and by race (African American, Hispanic, Native American, and
16 Asian) and gender.

17 (2) A detailed report on current student enrollments for each class at the university by race and
18 gender, by academic department, and by outreach program (e.g. talent development), guaranteed
19 admissions program, and the current levels of funding and staff support for each of these programs.

20 (3) A report on the current status of the African and Afro-American studies programs at the
21 university and a five (5) year budgetary history of the programs along with projections for budgetary
22 support for the next two (2) years.

23 (4) A plan for recruitment of African American and Hispanic faculty into tenure track positions at
24 each the university with specific reference to and planned involvement with the New England higher
25 education's minority faculty recruitment and development plan.

1 (5) Certified eCopies of the report shall be furnished to the council of postsecondary education
2 and the board of education.

3 SECTION 3. Chapter 16-33 of the General Laws entitled "Rhode Island College" is hereby
4 amended by adding thereto the following section:

5 **§ 16-33-2.1 Additional powers of the President of the College.** - In addition to any powers
6 granted to the president of Rhode Island College by law or regulation, and consistent with share-
7 governance practices, in conformity with § 16-32-10, the president shall have the following additional
8 powers and duties:

9 (a) To create and consolidate departments, divisions, programs, and courses of study within the
10 college with the assistance of the commissioner of postsecondary education within the approved role and
11 scope adopted by the council on postsecondary education pursuant to § 16-59-4. Any new or proposed
12 eliminations of departments, divisions, programs or courses of study that are outside the role and scope
13 approved by the council shall require the review and approval of the council on postsecondary education.

14 (b) To adopt a budget for the college and submit it to the council for postsecondary education for
15 approval.

16 (c) To be responsible for the general management of property of the college.

17 (d) To recommend to the council on postsecondary education, after consultation with the
18 commissioner of postsecondary, education tables of organization for the College.

19 (e) To submit to the office of postsecondary commissioner and to compile and analyze the
20 following information for presentation to the council for postsecondary education and the board of
21 education annually by May 1st the following:

22 (1) A detailed departmental breakdown of all faculty members employed at the college by rank
23 (including all professors, associate professors, assistant professors, lecturers, and instructors) and tenure
24 (tenured and non-tenured, and other) and by race (African American, Hispanic, Native American, and
25 Asian) and gender.

1 (2) A detailed report on current student enrollments for each class at the college by race and
2 gender, by academic department, and by outreach program (e.g. talent development), guaranteed
3 admissions program, and the current levels of funding and staff support for each of these programs.

4 (3) A report on the current status of the African and Afro-American studies programs at the
5 college and a five (5) year budgetary history of the programs along with projections for budgetary support
6 for the next two (2) years.

7 (4) A plan for recruitment of African American and Hispanic faculty into tenure track positions at
8 each the college with specific reference to and planned involvement with the New England higher
9 education's minority faculty recruitment and development plan.

10 (5) ~~Certified e~~Copies of the report shall be furnished to the council of postsecondary education
11 and the board of education.

12 SECTION 4. Chapter 16-33.1 of the General Laws entitled "Community College of Rhode
13 Island" is hereby amended by adding thereto the following section:

14 **§ 16-33.1-2.1 Additional powers of the President of the College.-** In addition to any powers
15 granted to the president of the Community College of Rhode Island by law or regulation, and consistent
16 with share-governance practices, in conformity with § 16-32-10, the president shall have the following
17 additional powers and duties:

18 (a) To create and consolidate departments, divisions, programs, and courses of study within the
19 college with the assistance of the commissioner of postsecondary education within the approved role and
20 scope adopted by the council on postsecondary education pursuant to § 16-59-4. Any new or proposed
21 eliminations of departments, divisions, programs or courses of study that are outside the role and scope
22 approved by the council shall require the review and approval of the council on postsecondary education.

23 (b) To adopt a budget for the college and submit it to the council on postsecondary education for
24 approval.

25 (c) To be responsible for the general management of property of the college.

1 (d) To recommend to the council on postsecondary education, after consultation with the
2 commissioner of postsecondary education, tables of organization for the college.

3 (e) To submit to the office of postsecondary commissioner and to compile and analyze the
4 following information for presentation to the council on postsecondary education and the board of
5 education annually by May 1st the following:

6 (1) A detailed departmental breakdown of all faculty members employed at the college by rank
7 (including all professors, associate professors, assistant professors, lecturers, and instructors) and tenure
8 (tenured and non-tenured, and other) and by race (African American, Hispanic, Native American, and
9 Asian) and gender.

10 (2) A detailed report on current student enrollments for each class at the college by race and
11 gender, by academic department, and by outreach program (e.g. talent development), guaranteed
12 admissions program, and the current levels of funding and staff support for each of these programs.

13 (3) A report on the current status of the African and Afro-American studies programs at the
14 college and a five (5) year budgetary history of the programs along with projections for budgetary support
15 for the next two (2) years.

16 (4) A plan for recruitment of African American and Hispanic faculty into tenure track positions at
17 each the college with specific reference to and planned involvement with the New England higher
18 education's minority faculty recruitment and development plan.

19 (5) ~~Certified e~~Copies of the report shall be furnished to the council on postsecondary education
20 and the board of education.

21 SECTION 5. Sections 16-59-1, 16-59-2, 16-59-4, 16-59-6, 16-59-7.1, 16-59-9 and 16-59-22
22 of the General Laws in Chapter 16-59 entitled "Board of Governors for Higher Education" are hereby
23 amended to read as follows:

24 **§ 16-59-1 Board of governors for higher education established Council on Postsecondary**
25 **Education established.** -- (a) There is created a ~~board of governors for higher~~ council on postsecondary
26 education, sometimes referred to as the "board" or the "board of governors" "council", which shall be and

1 is constituted a public corporation, empowered to sue and be sued in its own name, ~~to have a corporate~~
2 ~~seal, and to~~ exercise all the powers, in addition to those specifically enumerated in this chapter, usually
3 appertaining to public corporations entrusted with control of postsecondary educational institutions and
4 functions. ~~The board shall be protected from sudden changes in membership and reversal of policy by~~
5 ~~having staggered terms for its public members.~~ Upon its organization the board of governors council shall
6 be invested with the legal title (in trust for the state) to all property, real and personal, now owned by
7 and/or under the control or in custody of the board of regents for education for the use of the University of
8 Rhode Island, Rhode Island College, Community College of Rhode Island and the system of community
9 colleges of Rhode Island including all departments, divisions, and branches of these.

10 (b) ~~The board of governors~~ council is empowered to hold and operate the property in trust for the
11 state; to acquire, hold, and dispose of the property and other like property as deemed necessary for the
12 execution of its corporate purposes. ~~The board of governors~~ council is made successor to all powers,
13 rights, duties, and privileges formerly belonging to the board of regents for education pertaining to
14 postsecondary education and the board of governors for higher education.

15 (c) ~~The board of governors shall consist of thirteen (13) members as follows: twelve (12) public~~
16 ~~members, appointed pursuant to the terms of § 16-59-2, one of whom shall be a full time student in good~~
17 ~~standing at the University of Rhode Island, Rhode Island College or the Community College of Rhode~~
18 ~~Island, and a member of the board of regents for elementary and secondary education designated by the~~
19 ~~governor.~~

20 (d) ~~The public members of the board of governors 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 public members as chairperson of the board of~~
23 ~~governors. The board may elect from among its members such other officers as it deems necessary. Seven~~
24 ~~(7) voting members of the board shall constitute a quorum and a majority vote of those present and voting~~
25 ~~shall be required for action.~~

1 (c) The council shall be the employer of record for higher education and the office of
2 postsecondary education. It shall retain all authority formerly vested in the board of education regarding
3 the employment of faculty and staff at the public higher education institutions.

4 **§ 16-59-2 Appointment of members of the board of governors for higher education council**
5 **on postsecondary education.** – (a) ~~The governor shall, with the advice and consent of the senate~~
6 ~~establish the board~~ establish the council for postsecondary education by appointing eleven (11) seven (7)
7 eight (8) members of the board of education established pursuant to chapter 16-97 to serve in staggered
8 ~~terms.~~ as members of the council, until the expiration of their term as a member of the board of education
9 and their successor is appointed. In addition the governor shall appoint one (1) student member who
10 shall be a full time student in good standing at the University of Rhode Island, Rhode Island College or
11 the Community College of Rhode Island and who shall serve in a non-voting, ex-officio capacity for a
12 single two (2) year term and shall rotate among the three (3) public institutions. The governor shall
13 appoint the chair of the council on an annual basis from among the seven (7) eight (8) voting council
14 members. The chair of the board of education shall serve on the council in voting, ex-officio capacity.
15 Five (5) voting members of the council shall constitute a quorum and the vote of a majority of those
16 present and voting shall be required for action. ~~The appointments shall be made for terms of three (3)~~
17 ~~years commencing on February 1 in the year of the appointment and ending on January 31 in the third~~
18 ~~(3rd) year thereafter, except in the case of the student member whose appointment shall be for a period of~~
19 ~~two (2) years.~~

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

1 shall be appointed by the governor for a single two (2) year term and shall rotate among the three (3)
2 public institutions.

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

5 (d) Members of the board shall be removable by the governor pursuant to the provisions of § 36-
6 1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons unrelated
7 to capacity or fitness for the office shall be unlawful.

8 **§ 16-59-4 Powers and duties of board the council on postsecondary education.** – (a) The
9 board of governors for higher council on postsecondary education shall have, in addition to those
10 enumerated in § 16-59-1, the following powers and duties:

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

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

21 (3) To formulate broad policy to implement the goals and objectives established and adopted by
22 the board of ~~governors education~~, to adopt standards and require enforcement and to exercise general
23 supervision over all higher public education in the state and over independent higher education in the state
24 as provided in subdivision (8) and (9) of this section. The board of ~~governors education and the council~~
25 shall not engage in the operation or administration of any subordinate committee, university, junior
26 college, or community college, except its own office of ~~higher~~ postsecondary education and except as

specifically authorized by an act of the general assembly; provided, the presidents of each institution of higher learning shall be the chief administrative and executive officers of that institution; and provided that nothing contained in this section shall prohibit their direct access to or interfere with the relationship between the presidents and the board of ~~governors-education and the council~~. ~~The adoption and submittal of the budget, the approval of tables of organization, the creation, abolishment, and consolidation of departments, divisions, programs, and courses of study, and the acquisition, holding, disposition, and general management of property shall not be construed to come within the purview of the preceding prohibition. The board shall communicate with and seek the advice of the commissioner of higher education and all those concerned with and affected by its determinations as a regular procedure in arriving at its conclusions and in setting its policy.~~

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

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

1 (5)(6) To maintain an office of ~~higher education~~ postsecondary commissioner; to provide for its
2 staffing and organization; and to ~~appoint~~ manage and oversee a commissioner of ~~higher~~ postsecondary
3 education pursuant to duties and responsibilities defined in § 16-59-6 and § 16-59-7, ~~who shall serve at its~~
4 ~~pleasure~~. The commissioner of ~~higher~~ postsecondary education and the office of ~~higher education~~
5 postsecondary commissioner shall have the duties and responsibilities as defined in §§ 16-59-6 and 16-
6 59-7.

7 (6)(7) To appoint and dismiss presidents of the public institutions of higher learning with the
8 assistance of the commissioner of ~~higher~~ postsecondary education, and to establish procedures for this,
9 and with the assistance of the commissioner to approve or disapprove vice presidents of the public
10 institutions of higher learning appointed by the respective presidents of the public institutions of higher
11 learning.

12 (7)(8) To establish other educational agencies or subcommittees necessary or desirable for the
13 conduct of any or all aspects of higher education and to determine all powers, functions, and composition
14 of any agencies or subcommittees and to dissolve them when their purpose shall have been fulfilled.

15 (8)(9) To exercise the authority vested in the board of regents for education with relation to
16 independent higher educational institutions within the state under the terms of chapter 40 of this title, and
17 other laws affecting independent higher education in the state.

18 (9)(10) To enforce the provisions of all laws relating to higher education, public and independent.

19 (10)(11) To be responsible for all the functions, powers, and duties which were vested in the
20 board of regents for education relating to higher education, including but not limited to the following
21 specific functions:

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

1 (ii) To adopt and require standard accounting procedures for the office of higher education
2 postsecondary commissioner and all public colleges and universities.

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

6 ~~(iv)~~(iii) To ~~establish~~ approve a clear and definitive mission for each public institution of higher
7 learning with the assistance of the commissioner of ~~higher education~~. postsecondary education that is
8 consistent with the role and scope of programs at the public institutions.

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

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

16 ~~(12)~~(13) 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 presidents of
18 each of the public institutions of higher education.

19 ~~(13)~~(14) To make a formal request of the governor that whenever an opportunity arises to make
20 new appointments to the board, that the governor make every effort to increase the number of African
21 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 annual~~
23 ~~report to the governor, the speaker of the house of representatives, and the president of the senate of its~~
24 ~~activities during that fiscal year. The report shall provide: an operating statement summarizing meetings~~
25 ~~or hearings held, subjects addressed, decisions rendered, rules or regulations promulgated, studies~~
26 ~~conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a~~

1 consolidated financial statement of all funds received and expended including the source of the funds, a
2 listing of any staff supported by these funds, and a summary of any clerical, administrative or technical
3 support received; a summary of performance during the previous fiscal year including accomplishments,
4 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related
5 to the authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and findings
6 and recommendations for improvements. The director of the department of administration shall be
7 responsible for the enforcement of the provisions of this subsection.

8 (15) The board shall conduct a training course for newly appointed and qualified members within
9 six (6) months of their qualification. The course shall be developed by the chairperson of the board,
10 approved by the board, and conducted by the chairperson of the board. The board may approve the use of
11 any board or staff members or other individuals to assist with training. The training course shall include
12 instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2; and the board's own
13 rules. The director of the department of administration shall, within ninety (90) days of the effective date
14 of this act [March 24, 2006], prepare and disseminate training materials relating to the provisions of
15 chapters 42-46, 36-14, and 38-2.

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

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

24 **§ 16-59-6 Commissioner of higher postsecondary education.** – The board council on
25 postsecondary education, with approval of the board, shall appoint a commissioner of higher
26 postsecondary education with the advice and consent of the board of education, who shall serve at the

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

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

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

20 (3) To communicate with and seek the advice of those concerned with and affected by the board
21 of ~~governors' education's~~ council's determinations.

22 (4) To implement broad policy as it pertains to the goals and objectives established by the board
23 of education and council on postsecondary education; to ~~enforce standards and to exercise general~~
24 ~~supervision~~ promote better coordination between ~~over~~ higher public education in the state, and ~~over~~
25 independent higher education in the state as provided in subdivision (1044) of this section and pre k -12
26 education; to assist in the preparation of the budget for public higher education and to be responsible upon

1 direction of the ~~board~~ council for the allocation of appropriations, the acquisition, holding, and
2 disposition, ~~and general management~~ of property.

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

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

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

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

13 ~~(89)~~ To annually recommend to the ~~board of governors,~~ council on postsecondary education after
14 consultation with the presidents, the creation, abolition, retention, or consolidation of departments,
15 divisions, programs, and courses of study within the public colleges and universities to eliminate
16 unnecessary duplication in public higher education ~~and,~~ to address the future needs of public higher
17 education in the state, and to advance proposals recommended by the presidents of the public colleges and
18 universities pursuant to sections 16-32-2.1, 16-33-2.1 and 16-33.1-2.1 of the general laws.

19 ~~(910)~~ To supervise the operations of the office of ~~higher education~~ postsecondary commissioner
20 and any other additional duties and responsibilities that may be assigned by the ~~board~~ council.

21 ~~(1011)~~ To perform the duties vested in the ~~board of governors~~ council with relation to
22 independent higher educational institutions within the state under the terms of chapter 40 of this title and
23 any other laws that affect independent higher education in the state.

24 ~~(1112)~~ To be responsible for the administration of policies, rules, and regulations of the ~~board of~~
25 ~~governors~~ the council on postsecondary education with relation to the entire field of higher education

1 within the state, not specifically granted to any other department, board, or agency and not incompatible
2 with law.

3 (1213) To prepare standard accounting procedures for public higher education and all public
4 colleges and universities.

5 (1314) To carry out the policies and directives of the board of governors education and the
6 council on postsecondary education through the office of higher education postsecondary commissioner
7 and through utilization of the resources of the public institutions of higher learning.

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

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

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

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

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

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

1 **§ 16-59-7.1 Permanent status for non-classified employees.** – All non-classified employees of
2 the ~~board of governors~~ council on postsecondary education who shall have twenty (20) years, not
3 necessarily consecutive, of service credit, these credits having been earned in either the classified, non-
4 classified, or unclassified service or any combination of these, shall be deemed to have acquired full
5 status in their positions as the status is defined by § 36-4-59; provided that this provision shall not apply
6 to those employees whose base entry date is after August 7, 1996; and provided that this provision shall
7 not apply to faculty employed by the ~~board of governors~~ council on postsecondary education nor shall it
8 apply to non-classified employees who have acquired tenure as faculty.

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

18 (b) The office of ~~higher education~~ postsecondary commissioner and the institutions of public
19 higher education shall establish working capital accounts.

20 (c) Any tuition or fee increase schedules in effect for the institutions of public higher education
21 shall be received by the ~~board of governors~~ council on postsecondary education for allocation for the
22 fiscal year for which state appropriations are made to the ~~board of governors~~ council by the general
23 assembly; provided that no further increases may be made by the board of ~~governors-education or the~~
24 council on postsecondary education for the year for which appropriations are made. Except that these
25 provisions shall not apply to the revenues of housing, dining, and other auxiliary facilities at the
26 University of Rhode Island, Rhode Island College, and the Community Colleges including student fees as

described in P.L. 1962, ch. 257 pledged to secure indebtedness issued at any time pursuant to P.L. 1962, ch. 257 as amended.

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

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

§ 16-59-22 Applicability of merit system – Teacher certification – List of positions transferable to classified service. – (a) The appointment, promotion, salaries, tenure, and dismissal of administrative, instructional, and research employees, and secretarial employees not exceeding ten (10) in number, of the state colleges shall not be subject in any manner or degree to control by the personnel administrator or by any officer or board other than the ~~board of governors for higher education~~ council on postsecondary education. The certification of teachers at the University of Rhode Island is abolished, except for teachers that elect to come or remain under it.

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

1 council on postsecondary education non-classified service or be established in the classified service of the
2 state.

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

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

9 SECTION 6. Sections 16-59-4.1 and 16-59-8 of the General Laws in Chapter 16-59 entitled
10 "Board of Governors for Higher Education" are hereby repealed.

11 ~~§ 16-59-4.1 Administration of higher education. The director of the department of~~
12 ~~administration is hereby directed to conduct research and analysis to recommend a revised plan for the~~
13 ~~organizational structure for higher education governance, staff support and resource allocation in Rhode~~
14 ~~Island. This plan shall address the goal of improving affordability and accessibility to public higher~~
15 ~~education; and maximizing efficiencies while providing sufficient support to the governance structure of~~
16 ~~public higher education. The director of the department of administration is directed to report findings,~~
17 ~~recommendations and alternative designs to the general assembly no later than November 1, 2011 with~~
18 ~~copies to the speaker of the house, senate president, chairs of the house and senate finance committees~~
19 ~~and their respective fiscal advisors.~~

20 ~~The report shall include a strategic plan that outlines the mission, goals, and the estimated cost and~~
21 ~~timelines to implement said recommendations. The report shall provide a clear definition of roles and~~
22 ~~responsibilities, including those responsible for implementing the proposed recommendations. The~~
23 ~~analysis shall develop measures of success, and an appropriate timeline to measure implementation~~
24 ~~progress. It shall also include:~~

1 ~~(1) An examination of the various organizational structures in other states, evaluating their~~
2 ~~strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This should~~
3 ~~include an evaluation of the best practices regarding organizational structures for higher education.~~

4 ~~(2) An analysis of what functions could be allocated to other institutions, and which might be~~
5 ~~centralized to translate into efficiencies and more effective higher education policy. This should include,~~
6 ~~but not be limited to, strategies to reorganize and or centralize finance, purchasing, human resources,~~
7 ~~information technology, and facilities management within an office of higher education, with specific~~
8 ~~direction on the allocation of resources, staff and responsibilities.~~

9 ~~The report should explore the feasibility of permanently allocating all operational activities and other~~
10 ~~responsibilities currently held within the office of higher education to the three (3) higher education~~
11 ~~institutions or other viable alternatives while maintaining the board of governors.~~

12 ~~All departments and agencies of the state shall furnish such advice and information, documentary or~~
13 ~~otherwise to the director of the department of administration and its agents as is deemed necessary or~~
14 ~~desirable to facilitate the purposes of the study.~~

15 **16-59-8 Operating executive committee.** ~~— (a) There is established an operating executive~~
16 ~~committee which shall be composed of the president of the University of Rhode Island, the president of~~
17 ~~Rhode Island College, the president of Community College of Rhode Island and the commissioner of~~
18 ~~higher education. The commissioner of higher education shall serve as the chairperson of the committee.~~

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

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

6 SECTION 7. Sections 16-60-1, 16-60-2, 16-60-4 and 16-60-6 of the General Laws in Chapter
7 16-60 entitled "Board of Regents for Elementary and Secondary Education" are hereby amended to read
8 as follows:

9 **§ 16-60-1 Board Council on Elementary and Secondary Education established.** – (a) There is
10 ~~created a board of regents for elementary and secondary education sometimes referred to as the "regents"~~
11 ~~or the "board of regents,"~~ council on elementary and secondary education which shall be and is
12 constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal,
13 and to exercise all the powers, in addition to those specifically enumerated in this chapter, usually
14 appertaining to public corporations entrusted with control of elementary and secondary education
15 institutions and functions. The ~~regents~~ council on elementary and secondary education shall be protected
16 from sudden changes in membership and reversal of policy by having staggered terms for its public
17 members.

18 (b) Upon its organization the ~~board of regents~~ council on elementary and secondary education
19 shall be invested with the legal title (in trust for the state) to all property, real and personal, now owned by
20 and/or under the control or in the custody of the board of regents for education for the use of the
21 department of elementary and secondary education. The ~~board of regents~~ council on elementary and
22 secondary education is made successor to all powers, rights, duties, and privileges pertaining to
23 elementary and secondary education.

24 (c) The ~~board of regents for elementary and secondary education shall consist of ten (10)~~
25 ~~members as follows: Eight (8) public members appointed pursuant to the terms of subsection 16-60-2(a),~~
26 ~~one student member who shall be ex officio and nonvoting elected pursuant to the provisions of~~

1 subsection 16-60-2(d), and a member of the board of governors for higher education designated by the
2 governor council on elementary and secondary education shall consist of seven (7) members appointed by
3 the governor from the membership of the board of education established pursuant to section 16-97-1 of
4 the general laws. Five (5) voting members of the board shall constitute a quorum and the vote of a
5 majority vote of those present and voting shall be required for action.

6 The public members of the board of regents council on elementary and secondary education shall not be
7 compensated for service in attending meetings or duly organized subcommittee meetings of the board of
8 education or the council at which business is transacted.

9 (d) The governor shall designate one of the public members as chairperson of the board of regents
10 council on elementary and secondary education. The board council may elect from among its members
11 such other officers as it deems necessary.

12 (ce) The council on elementary and secondary education is made successor to all powers, rights,
13 duties, and privileges formerly belonging to the board of regents for elementary and secondary education,
14 unless otherwise specified in law.

15 **§ 16-60-2. Appointment of board members.** – (a) The governor shall with the advice and
16 consent of the senate establish the board by appointing eight (8) members to serve staggered terms. The
17 appointments shall be made for terms of three (3) years commencing on February 1 in the year of
18 appointment and ending on January 31 in the third (3rd) year after this, except, at the expiration of their
19 terms members shall remain and continue in their official capacity until a new member is appointed and
20 confirmed. Any vacancy among the public members of the board shall be filled by appointment of the
21 governor for the remainder of the unexpired term. In the selection and appointment of members of the
22 board the governor shall seek persons who best serve the entire needs of the state. Public members shall
23 not be appointed for more than three (3) successive three (3) year terms each; provided, that this
24 limitation shall not apply to that person designated as chairperson by the governor who may be a member
25 so long as he or she shall serve as chairperson. establish the council on elementary and secondary
26 education by appointing ~~seven (7)~~ eight (8) members of the board of education established pursuant to

1 chapter 16-97 to serve as members of the council until the expiration of their term and appointment of
2 their successor as a member of the board of education. The chair of the board of education shall serve on
3 the council in a voting, ex-officio capacity. Five (5) voting members of the council shall constitute a
4 quorum and the vote of the majority of those present and voting shall be required for action. The
5 governor shall appoint the chair of the council on an annual basis from among the ~~seven (7)~~ eight (8)
6 council members.

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

9 ~~(c) Members of the board council on elementary and secondary education shall be removable by~~
10 ~~the governor pursuant to the provisions of § 36-1-7 of the general laws and for cause only, and removal~~
11 ~~solely for partisan or personal reasons unrelated to capacity or fitness for the office shall be unlawful.~~

12 ~~(cd)~~ There is hereby established a student advisory council to the ~~board of regents council on~~
13 ~~elementary and secondary education~~, consisting of one elected high school student representative from
14 each public secondary school in the state of Rhode Island.

15 (1) Each public secondary school shall hold elections for its representative to the student advisory
16 council no earlier than the first (1st) day of March and no later than the end of the second (2nd) full week
17 of April. Each school shall elect only one representative. Elected members shall be notified of their
18 election on or before the Friday of the third (3rd) week of April of the year of their election. No person
19 shall be eligible to be elected to the student advisory council unless at the time of his or her election he or
20 she is enrolled as a student in a secondary school between the grades of nine (9) and eleven (11) within
21 the state of Rhode Island. No person shall be allowed to vote if they are not currently enrolled in a Rhode
22 Island public secondary school between the grades of nine (9) and eleven (11). If at any time during his or
23 her term of office a member of the student advisory council ceases to be so enrolled, his or her
24 membership shall be terminated and his or her position shall be deemed vacant. This vacancy shall be
25 filled by the public secondary school within thirty (30) school days of the opening of the vacancy.

(2) The student advisory council will serve from the first (1st) day of May of the year it is elected until the last day of April of the following year. A student may serve no more than three (3) terms.

(3) Said student advisory council shall meet from time to time and shall consider such matters as it deems appropriate.

(4) Prior to the first (1st) day of June of each annual session the student advisory council shall adopt a set of bylaws.

(5) Members of the council shall not be compensated for service in attending meetings except that they shall be reimbursed for necessary expenses incurred in travelling to and from meetings.

(6) The members of said student advisory council shall, by majority vote prior to the first (1st) day of June in each year, elect from their members a chairperson who shall serve for a term of one year beginning on the first (1st) day of June. Said chairperson shall serve as an ex officio and nonvoting member of the ~~board of regents~~ council for a term of one year, unless the student advisory council removes said chairperson from his or her position in a manner described within the bylaws of that council ~~and/or if he or she is otherwise removed by the governor.~~

§ 16-60-4 Board of regents for elementary and secondary education Council on Elementary and Secondary Education– Powers and duties. – The ~~board of regents for elementary and secondary education~~ Council on Elementary and Secondary Education shall have in addition to those enumerated in § 16-60-1, the following powers and duties:

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

(2) To approve a master plan ~~defining~~ implementing the broad goals and objectives for elementary and secondary education in the state that have been established by the board of education.

These goals and objectives shall be expressed in terms of what men and women should know and be able

1 to do as a result of their educational experience. The ~~regents~~ council on elementary and secondary
2 education shall continually evaluate the efforts and results of education in the light of these objectives.

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

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

18 (5) To prepare with the assistance of the commissioner of elementary and secondary education
19 and to present annually to the state budget officer, in accordance with § 35-3-4, a total educational budget
20 for the elementary and secondary sector which shall include, but not be limited to, the budgets of the
21 department of elementary and secondary education, subordinate boards and agencies, and state aid to
22 local school districts. Prior to submitting the budget as required by the budget office instructions and this
23 subsection the council shall present the budget to the board of education for review and approval consent.

24 (ii) In the preparation of the budget, the ~~regents~~ council on elementary and secondary education
25 shall ~~determine~~ implement the priorities established by the board of education of expenditures for
26 elementary and secondary education purposes of state revenues and other public resources made available

1 for the support of public elementary and secondary education among the various education agencies of
2 the state. Nothing contained in this section shall authorize any individual or group of individuals to
3 reallocate resources in a manner other than that prescribed in the budget as appropriations by the general
4 assembly.

5 (6) To maintain a department of elementary and secondary education, to provide for its staffing
6 and organization and to appoint a commissioner of elementary and secondary education pursuant to § 16-
7 60-6 who shall serve at its pleasure. The commissioner of elementary and secondary education and the
8 department of elementary and secondary education shall have any duties and responsibilities as defined in
9 §§ 16-60-6 and 16-60-7.

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

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

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

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

25 (ii) To adopt standards and qualifications for the certification of teachers and to provide for the
26 issuance of certificates, and to establish fees for the certification of teachers. The fees collected for the

1 certification of teachers along with various education licensing and testing fees shall be deposited by the
2 ~~board of regents~~ council on elementary and secondary education as general revenues. The funds
3 appropriated by the general assembly shall be utilized by the department of elementary and secondary
4 education to establish and support programs which enhance the quality and diversity of the teaching
5 profession. The commissioner of elementary and secondary education shall regularly make
6 recommendations to the board about specific programs and projects to be supported by those funds. The
7 commissioner shall oversee the funds, assess the effectiveness of its programs and projects, and make
8 recommendations about the general use and operation of the funds to the board.

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

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

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

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

15 (vii) To enforce the provisions of all laws relating to elementary and secondary education.

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

17 (ix) To prescribe forms for the use of local school committees and local officers when reporting
18 to the department of elementary and secondary education.

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

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

23 (10) To establish rules for the approval and accrediting of elementary and secondary schools.

24 (11) To recommend to the general assembly changes in the size and number of the school districts
25 within the state; and to make any further and other recommendations to the general assembly as the ~~board~~
26 ~~of regents~~ council on elementary and secondary education may determine to be necessary or desirable,

1 including, but not limited to, proposals for incentives for the coordination of services and facilities of
2 certain school districts and the feasibility of granting taxing authority to local school committees upon
3 their request, and the impact upon the quality of education within that particular community by granting
4 the request. In carrying out this duty, the ~~board of regents~~ council on elementary and secondary education
5 shall periodically issue reports in school district organizations for selected regions and school districts.

6 (12) To exercise all other powers with relation to the field of elementary and secondary education
7 within this state not specifically granted to any other department, board, or agency, and not incompatible
8 with law, which the ~~board of regents for elementary and secondary education~~ council on elementary and
9 secondary education may deem advisable.

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

15 (14) To promote maximum efficiency and economy in the delivery of elementary and secondary
16 educational services in the state.

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

21 (16) Within ninety (90) days after the end of each fiscal year, the board shall submit an annual
22 report to the governor, the speaker of the house of representatives, and the president of the senate of its
23 activities during that fiscal year. The report shall provide: an operating statement summarizing meetings
24 or hearings held, subjects addressed, decisions rendered, rules or regulations promulgated, studies
25 conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a
26 consolidated financial statement of all funds received and expended including the source of the funds, a

1 listing of any staff supported by these funds, and a summary of any clerical, administrative or technical
2 support received; a summary of performance during the previous fiscal year including accomplishments,
3 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related
4 to the authority of the ~~board~~ council; a briefing on anticipated activities in the upcoming fiscal year; and
5 findings and recommendations for improvements. The director of the department of administration shall
6 be responsible for the enforcement of the provisions of this subsection.

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

10 (18) Each year the governor shall by writing notify the ~~board of regents for elementary and~~
11 ~~secondary education~~ council on elementary and secondary education concerning broad economic,
12 cultural, and social needs that the education system needs to consider which the board shall address in
13 developing educational plans and programs.

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

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

19 (21) To prepare with the assistance of the commissioner of elementary and secondary education
20 and to present annually to the general assembly by January 1 a report on school discipline in Rhode Island
21 schools. This report shall include:

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

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

24 (C) Placements to alternative programs for disciplinary reasons.

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

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

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

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

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

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

(ii) All school superintendents shall supply the necessary information on forms established by the commissioner of elementary and secondary education to the ~~board of regents~~ council on elementary and secondary education to assist in the preparation of the ~~board of regents'~~ council's report on school discipline.

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

(i) Student and teacher attendance rates;

(ii) Standardized test scores;

(iii) Demographic profiles;

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

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

(vi) Best teaching practices;

(vii) Alternative student assessments;

(viii) Special programs;

(ix) Number of student suspensions and teacher grievances and the amount of parental involvement.

1 ~~(23) The board shall conduct a training course for newly appointed and qualified members within~~
2 ~~six (6) months of their qualification. The course shall be developed by the chairperson of the board,~~
3 ~~approved by the board, and conducted by the chairperson of the board. The board may approve the use of~~
4 ~~any board or staff members or other individuals to assist with training. The training course shall include~~
5 ~~instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2; and the board's own~~
6 ~~rules. The director of the department of administration shall, within ninety (90) days of the effective date~~
7 ~~of this act, prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14,~~
8 ~~and 38-2.~~

9 **§ 16-60-6 Commissioner of elementary and secondary education.** – The ~~regents council on~~
10 ~~elementary and secondary education, with the advice and consent of the board of education,~~ shall appoint
11 a commissioner of elementary and secondary education who shall serve at the pleasure of the ~~regents~~
12 ~~council on elementary and secondary education,~~ provided that the commissioner's initial engagement by
13 the ~~regents council~~ shall be for a period of not more than three (3) years. For the purpose of appointing,
14 retaining, or dismissing a commissioner, the governor shall serve as an additional voting member of the
15 ~~board of regents council on elementary and secondary education, and provided that in the case of a tie, the~~
16 ~~president 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 ~~board of~~
18 ~~regents council on elementary and secondary education~~ and as the chief administrative officer of the
19 department of elementary and secondary education. The commissioner of elementary and secondary
20 education shall have the duties that are defined in this section and in this title and any other additional
21 duties that may be determined by the ~~regents~~ the council on elementary and secondary education, and
22 shall perform any other duties that may be vested in the commissioner by law. In addition to the general
23 supervision of the department of elementary and secondary education and the appointment of the several
24 officers and employees of the department, it shall be the duty of the commissioner of elementary and
25 secondary education:

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

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

7 (3) To communicate with and seek the advice of those concerned with and affected by the board
8 of ~~regents'~~ education's and the council's determinations.

9 (4) To implement broad policy as it pertains to the goals and objectives established by the ~~regents~~
10 board of education; to enforce standards and to exercise general supervision over public elementary and
11 secondary education in the state and over all elementary and secondary nonpublic education in the state as
12 provided in subdivision (8) of this section; to assist in the preparation of the budget for elementary and
13 secondary education and to be responsible upon direction of the ~~regents~~ council on elementary and
14 secondary education for the allocation of appropriations, the acquisition, holding, disposition, and general
15 management of property.

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

19 (6) To assist the ~~regents~~ council on elementary and secondary education in the preparation and
20 presentation annually to the state budget officer, in accordance with § 35-3-4, of a total state elementary
21 and secondary educational budget which shall include, but not be limited to, the budget of the department
22 of elementary and secondary education, subcommittees and agencies, and state aid to local school
23 districts.

24 (7) To supervise the operation of the department of elementary and secondary education, to have
25 the duties as defined in § 16-1-5 and in this title or in law wherever outlined, and other additional duties
26 and responsibilities that may be assigned by the ~~regents~~ council on elementary and secondary education.

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

5 (9) To supervise the following specific functions:

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

8 (ii) To recommend standards and qualifications of teachers and to issue certificates upon approval
9 of standards and qualifications by the ~~regents~~ council on elementary and secondary education.

10 (iii) To distribute state school funds in accordance with law and regulations of the ~~board of~~
11 ~~regents~~ council on elementary and secondary education.

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

15 (v) To certify that school library standards and services are in accordance with law and
16 regulations of the ~~board of regents~~ council on elementary and secondary education.

17 (vi) To recommend to the ~~board of regents matters~~ council on elementary and secondary
18 education relating to the transportation of pupils to school.

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

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

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

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

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

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

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

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

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

SECTION 8. Sections 16-97-1 and 16-97-6 of the General Laws in Chapter 16-97 entitled "The Rhode Island Board of Education Act" are hereby amended to read as follows:

§ 16-97-1 Rhode Island board of education established. – (a) Effective January 1, 2013, there is created a board of education which shall ~~be and is constituted a public corporation, empowered to sue and be sued in its own name, to have a corporate seal, and to be vested with all the powers and duties currently vested in the board of governors for higher education established in chapter 16-59 and the board of regents for elementary and secondary education established in chapter 16-60.~~ be responsible for and shall exercise the purposes, powers and duties as defined in this chapter and chapters 16-59 and 16-60 of the general laws. The Board is responsible for the coordination of education from pre-k through higher education and shall set goals and policies for the effective coordination of these public education systems.

1 (b) Upon its organization, the board of education shall be vested with the legal title (in trust for
2 the state) to all property, real and personal, now owned by and/or under the control or in the custody of
3 the board of governors for higher education and the board of regents for elementary and secondary
4 education, for the use of the board of education. The board of education is hereby designated successor to
5 all powers, rights, duties, and privileges pertaining to the board of regents for elementary and secondary
6 education and the board of governors for higher education.

7 (e)(b) The board of education shall consist of ~~eleven (11)~~ seventeen-fifteen (175) public members
8 appointed by the governor with the advice and consent of the senate, eight (8) of whom shall be
9 designated to serve on the council for elementary and secondary education and eight (8) of who shall be
10 designated to serve on the council for postsecondary education. The chairperson of the board shall servie
11 as a member of both councils. Four (4) Six (6) of the members initially appointed pursuant to this section
12 shall serve terms of three (3) years; four (4) six (6) members initially appointed pursuant to this section
13 shall serve terms of two (2) years; and, three (3) four (4) members initially appointed pursuant to this
14 section shall serve terms of one year. To the greatest extent possible, the initial staggered terms shall be
15 equitably divided among the councils so as to protect against sudden changes in membership and
16 reversal of policy. Thereafter, all members appointed pursuant to this section shall serve terms of three (3)
17 years. At the expiration of their terms, members shall remain and continue in their official capacity until
18 their successor is appointed and qualified. Members shall not be appointed to more than three (3)
19 successive three (3) year terms each: provided that the chair of the board shall have no term and shall
20 serve at the pleasure of the governor. Any vacancy among the members of the board shall be filled by
21 appointment of the governor for the remainder of the unexpired term. In the selection and appointment of
22 the board, the governor shall seek persons who best serve the needs of the entire state. No person shall be
23 eligible for appointment to the board after the effective date of this act, unless a resident of this state. No
24 board member shall be appointed to serve more than two (2) three (3) year terms. The public Mmembers
25 of the board shall not be compensated for their service in attending board or council meetings or duly

~~organized meetings of the council on elementary and secondary education, or the council for postsecondary education, or any subcommittees of the board.~~

~~(c) The chair of the Governor's Workforce Board, or designee, and the chair of the Rhode Island Commerce Corporation, or designee, shall serve as non-voting, ex officio members of the board.~~

~~(d)(e)~~ The governor shall select from the appointed members a chairperson and vice chairperson. A quorum shall consist of ~~six (6)~~ nine (9) members of the board. A majority vote of those present shall be required for action.

~~(e) Except as provided by subsection (b) of this section, members of the board shall be removable by the governor for cause only. Removal solely for partisan or personal reasons unrelated to performance, capacity or fitness for the office shall be unlawful.~~

~~(e)(d)(f)~~ The statutory responsibilities of the department of elementary and secondary education, the commissioner of elementary and secondary education, and the commissioner of higher postsecondary education shall remain unchanged. ~~No later than July 1, 2013, the board of education shall submit to the governor and the general assembly its final plan for the permanent administrative structure for higher education. As a requisite element of the administrative structure for higher education, the board of education shall establish a plan for distributing the assets, responsibilities, powers, authorities, and duties of the office of higher education to the three (3) higher education institutions and appropriate state agencies. Said distribution shall be done in a manner designed to maximize efficiency, provide greater articulation of the respective responsibilities of elementary and secondary and higher education, and ensure that students are prepared to succeed in school, college, careers, and life. The permanent governance structure for higher education shall, at a minimum: (1) Provide clear guidance on statutory, legal, financial and contractual obligations; (2) Establish a policy framework that furthers the goals of this chapter; and (3) Establish appropriate administrative structures, support, policies and procedures.~~ Effective July 1, 2014, the office of higher education shall be abolished.

~~(e) At the expiration of their terms members shall remain and continue in their official capacity until their successor is appointed and confirmed. Any vacancy among the public members of the board~~

1 ~~shall be filled by appointment of the governor for the remainder of the unexpired term. In the selection~~
2 ~~and appointment of members of the board, the governor shall seek persons who best serve the needs of~~
3 ~~the entire state. Public members shall not be appointed for more than three (3) successive three (3) year~~
4 ~~terms each; provided, however, that this limitation shall not apply to that person designated as chairperson~~
5 ~~by the governor, who may remain a member so long as he or she shall serve as chairperson.~~

6 ~~(f) No person shall be eligible for appointment to the board after the effective date of this act,~~
7 ~~unless a resident of this state.~~

8 ~~(g) Members of the board shall be removable by the governor pursuant to the provisions of § 36-~~
9 ~~1-7 of the general laws and for cause only. Removal solely for partisan or personal reasons unrelated to~~
10 ~~capacity or fitness for the office shall be prohibited.~~

11 ~~(h) (g)~~ The chair of the board of education shall consult with the chairs of the council on
12 elementary and secondary education, the council on postsecondary education, the commissioner of
13 elementary and secondary education, and the commissioner of postsecondary education in developing
14 agendas, goals, policies and strategic plans for the board.

15
16 **§ 16-97-6. Reporting requirements.** – The board shall submit ~~periodic reports~~ an annual report
17 to the governor, speaker of the house, senate president, chairs of the house and senate finance committees
18 and their respective fiscal advisors, the chair of the house health, education and welfare committee, and
19 chair of the senate education committee no later than March 1, 2015 and every March 1 thereafter ~~on its~~
20 ~~progress towards implementation of this chapter. The first report shall be submitted no later than April 1,~~
21 ~~2013 and quarterly thereafter until January 1, 2014. It shall submit a report annually thereafter through~~
22 ~~2018.~~

23 SECTION 9. Chapter 16-97 of the General Laws entitled “The Rhode Island Board of Education
24 Act” is hereby amended by adding thereto the following sections:

25 **§ 16-97-1.1. Purposes of the Board of Education.-** The Rhode Island Board of Education shall
26 be responsible for long-range planning and for coordinating and evaluating policies and programs for the

1 public educational systems of the state. The general assembly finds and declares that the board of
2 education shall have the following purposes:

3 (a) To develop and adopt educational, financial and operational goals for the education systems of
4 the state that represent achievable benchmarks for a ten (10) year and (20) twenty (20) year time frame
5 scale and that can be implemented by the council on elementary and secondary education, the council on
6 postsecondary education, and the commissioners for elementary and secondary education and
7 postsecondary education;

8 (b) To ensure that the education systems of the state are aligned with the projected opportunities
9 in workforce development and economic development and that the education systems are preparing
10 students to participate in the future workforce of Rhode Island;

11 (c) To coordinate programs and courses of study and promote collaboration between and among
12 pre-kindergarten through higher education institutions and agencies, including, but not limited to:

13 (1) improving career and college readiness;

14 (2) reducing the need for remedial instruction;

15 (3) implementing and coordinating common core and other system wide standards;

16 (4) ensuring there is a quality system for adult education and certification programs in secondary
17 school and community college.

18 (d) To present strategic budget and finance recommendations to the council on elementary and
19 secondary education and council on postsecondary education that are aligned with the long-range goals
20 adopted by the board.

21 **§ 16-97-1.2. Powers and duties of the Board of Education.** – The board of education shall have
22 the following powers and duties:

23 (a) To develop and adopt a strategic plan defining broad goals and objectives for education in the
24 state. These goals and objectives shall be expressed in terms of the future educational attainment of the
25 population, quality of life and economy of Rhode Island, including but not limited to what children, men
26 and women should know and be able to do as a result of their educational experience and the

1 contributions of education to meeting the workforce and economic development needs of Rhode Island.
2 The board shall approve the strategic plans for elementary and secondary education and postsecondary
3 education in terms of the alignment of these strategic plans with the overall strategic plan of the board of
4 education. The board shall continuously evaluate the efforts of the council on elementary and secondary
5 education and the council on postsecondary education to implement the strategic plans and shall review
6 the results of education in the light of these objectives;

7 (b) To prepare and maintain a five (5) year strategic funding plan for all levels of education in
8 Rhode Island. The board shall determine priorities of expenditures for public education purposes of state
9 revenues and other public resources made available for the support of public education and direct the
10 council on elementary and secondary education and the council on postsecondary education to implement
11 those priorities when developing the annual budget for elementary and secondary education and higher
12 education. The councils shall present their annual budgets to the board for its review and approval
13 consent. Nothing contained in this subdivision shall authorize the board to alter the allocation of grants or
14 aid otherwise provided by law;

15 (c) To develop and submit to the general assembly for approval a performance funding formula
16 for public higher education that furthers the purposes of the board and ensures that all students may
17 achieve educational excellence;

18 (d) To develop policies that maximize the potential of collaboration from elementary and
19 secondary education through higher education systems and that improve efficiencies at all levels of the
20 education system through improved coordination of activities;

21 (e) To embrace the legislative findings regarding virtual education established by section 16-22.1-
22 2 of the general laws and adopt goals and policies that address these findings and to encourage the council
23 on elementary and secondary education and the council for postsecondary education to develop and or
24 improve virtual learning experiences for Rhode Island students;

25 (f) To approve provide advice and consent to the council on elementary and secondary education
26 regarding the appointment of a commissioner of elementary and secondary education.

1 (g) ~~To approve provide advice and consent to the council for postsecondary education regarding~~
2 ~~the appointment of a commissioner of postsecondary education.~~

3 (h) To conduct a training course for newly appointed and qualified board members within six (6)
4 months of their qualification. The course shall be developed by the chairperson of the board, approved by
5 the board, and conducted by the chairperson of the board. The board may approve the use of any board or
6 staff members or other individuals to assist with training. The training course shall include instruction in
7 the following areas: the provisions of chapters 42-46, 36-14, and 38-2; and the board's own rules. The
8 ~~director of the department of administration shall, within ninety (90) days of the effective date of this act,~~
9 ~~prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and 38-2.~~

10 SECTION 10. Sections 16-97-2 and 16-97-3 of the General Laws in Chapter 16-97 entitled "The
11 Rhode Island Board of Education Act" are hereby repealed.

12 ~~**§ 16-97-2 Executive agents of the state board of education.**~~ The state board of education
13 shall appoint a Commissioner of Elementary and Secondary Education who shall be the board's executive
14 agent in matters pertaining to elementary and secondary education and who shall have the duties
15 established in R.I.G.L. 16-60-6. The state board of education shall also appoint a Commissioner of Higher
16 Education who shall be the board's executive agent in matters pertaining to higher education and who
17 shall have the duties established in R.I.G.L. 16-59-6. The Commissioners shall be employees of the board
18 in the unclassified service and shall not be members of the board and shall serve at the pleasure of the
19 board.

20 ~~**§ 16-97-3 Executive committee of education.**~~ (a) There is established an executive committee
21 of education that shall be composed of the president of the University of Rhode Island, the president of
22 Rhode Island College, the president of Community College of Rhode Island, the commissioner of higher
23 education, and the commissioner of elementary and secondary education. The commissioner of higher
24 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 than~~
26 ~~twelve (12) times per year, and the purpose of the committee shall include, but not be limited to,~~

1 ~~developing coherent plans for the elimination of unnecessary duplication in public education and~~
2 ~~addressing the future needs of public education within the state in the most efficient and economical~~
3 ~~manner possible. All recommendations and information gathered at the meetings of the committee shall~~
4 ~~be forwarded to the board of education for final action of the board of education.~~

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

10 SECTION 11. This article shall take effect upon passage.