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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

Introduced By: Representatives Amore, Mattiello, Shekarchi, Edwards, and
Blazejewski

Date Introduced: May 09, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-1-5 of the General Laws in Chapter 16-1 entitled "State
2 Department of Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island
3 Board of Education Act]" is hereby amended to read as follows:

4 **16-1-5. Duties of commissioner of elementary and secondary education.**

5 It shall be the duty of the commissioner of elementary and secondary education:

- 6 (1) To carry out the policies and program formulated by the board of regents for
7 elementary and secondary education.
- 8 (2) To evaluate credentials of applicants for certificates, to verify that the certification of
9 teachers is in accordance with law and established standards, and to issue certificates at the
10 direction of the board.
- 11 (3) To certify the approval of accredited schools.
- 12 (4) To recommend to the board an outline of the subjects and courses of study and the
13 instructional standards for elementary and secondary schools.
- 14 (5) To approve the distribution of state school funds in accordance with law and the
15 regulations of the board.
- 16 (6) To verify that school sites and school building plans are in accordance with law and
17 regulations.
- 18 (7) To exercise supervision over school libraries and library services.
- 19 (8) To certify that school bus routes and schedules and all contracts for pupil

1 transportation conform with provisions of law and the rules and regulations of the board.

2 (9) To require the observance of all laws relating to schools and education.

3 (10) To interpret school law and to decide such controversies as may be appealed to the
4 commissioner from decisions of local school committees.

5 (11) To prepare and recommend standard forms for the use of local schools.

6 (12)(i) To prepare, with the assistance of the department of administration, manuals of
7 uniform budgetary and standard financial records and procedures for local school officers. The
8 board of regents shall adopt uniform local school budgeting procedures no later than July 1, 1989,
9 and those procedures should include, at a minimum, the following:

10 (A) Provision for uniform classification of revenues and expenditures;

11 (B) Requirements of detailed expenditure estimates and a table of organization including
12 the proposed staffing of each school;

13 (C) Estimates of receipts and expenditures for the last two (2) completed fiscal years, the
14 current and ensuing fiscal years; and

15 (ii) To carry out the purpose of this subsection a sum of ten thousand dollars (\$10,000)
16 not otherwise appropriated shall be included in the appropriation made to support the department
17 of elementary and secondary education.

18 (13) To receive general supervision from the board of regents for elementary and
19 secondary education and to appoint the several officers and employees of the department subject
20 to the provisions of the State Merit System Act, chapters 3 and 4 of title 36.

21 (14) To establish health education, alcohol and substance abuse programs for students in
22 grades kindergarten (K) through twelve (12), in accordance with § 35-4-18. The program will
23 consist of the following: A mandated state health education, alcohol and substance abuse,
24 curriculum for grades kindergarten (K) through twelve (12), a mandated assessment program in
25 the areas of health, fitness, alcohol and substance abuse, and an in-service training program which
26 will be developed specifically for the implementation of the mandated curriculum.

27 (15)(i) To appoint a three (3) member committee for the purpose of choosing a "teacher
28 of the year" among teachers in public school grades kindergarten (K) through twelve (12). The
29 "teacher of the year" shall receive an award of one thousand dollars (\$1,000).

30 (ii) It is the intent of the general assembly that the funds necessary to carry out the
31 provisions of this subdivision shall be provided within the annual appropriations act.

32 (16) To institute a process to review, revise, and adopt statewide academic standards that
33 align with state assessments for the core subjects of mathematics, English language arts, science
34 and technology, history and social studies, world languages, and the arts, pursuant to § 16-22-30.

1 (17) To institute a process for adapting, adopting, and developing curriculum frameworks
2 for mathematics, English language arts, science and technology, history and social studies, world
3 languages, and the arts covered by the academic standards, pursuant to §§ 16-22-30 and 16-22-
4 31.

5 (18) To institute a process for reviewing and identifying high-quality curriculum and
6 materials in mathematics, English language arts, and science and technology, pursuant to § 16-22-
7 31.

8 (19) To prepare each year a plan for providing statewide assistance in the preparation and
9 implementation of professional development plans.

10 SECTION 2. Sections 16-2-9 and 16-2-11 of the General Laws in Chapter 16-2 entitled
11 "School Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of
12 Education Act]" are hereby amended to read as follows:

13 **16-2-9. General powers and duties of school committees.**

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

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

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

20 (3) To provide for and assure the implementation of federal and state laws, the
21 regulations of the board of regents for elementary and secondary education, and of local school
22 policies, programs, and directives.

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

24 (5) To have responsibility for the care and control of local schools.

25 (6) To have overall policy responsibility for the employment and discipline of school
26 department personnel.

27 (7) To approve a master plan defining goals and objectives of the school system. These
28 goals and objectives shall be expressed in terms of what men and women should know and be
29 able to do as a result of their educational experience. The committee shall periodically evaluate
30 the efforts and results of education in light of these objectives.

31 (8) To provide for the location, care, control, and management of school facilities and
32 equipment.

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

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

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

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

7 ~~(13) To give advice and consent on the appointment by the superintendent of all school~~
8 ~~department personnel.~~

9 ~~(14)~~(13) To establish minimum standards for personnel, to adopt personnel policies, and
10 to approve a table of organization.

11 ~~(15)~~(14) To establish standards for the evaluation of personnel.

12 ~~(16)~~(15) To establish standards for conduct in the schools and for disciplinary actions.

13 ~~(17)~~(16) To hear appeals from disciplinary actions.

14 ~~(18)~~(17) To enter into contracts; provided, however, that notwithstanding any other
15 provision of the general or public laws, whether of specific or general application, and
16 notwithstanding the provisions of any charter of any municipality where the school committee is
17 appointed and not elected, but not including, the Central Falls school district board of trustees
18 established by § 16-2-34, the power and duty to enter into collective bargaining agreements shall
19 be vested in the chief executive officer of the municipality and not in the school committee.

20 ~~(19)~~(18) To publish policy manuals which shall include all school committee policies.

21 ~~(20)~~(19) To establish policies governing curriculum, courses of instruction, and text
22 books.

23 ~~(21)~~(20) To provide for transportation services which meet or exceed standards of the
24 board of regents for elementary and secondary education.

25 ~~(22)~~(21) To make any reports to the department of education as are required by the board
26 of regents for elementary and secondary education.

27 ~~(23)~~(22) To delegate, consistent with law, any responsibilities to the superintendent as the
28 committee may deem appropriate.

29 ~~(24)~~(23) To address the health and wellness of students and employees.

30 ~~(25)~~(24) To establish a subcommittee of the school board or committee to decrease
31 obesity and address school health and wellness policies for students and employees consistent
32 with § 16-21-28.

33 ~~(26)~~(25) To annually undertake a minimum of six (6) hours of professional development
34 as set forth and described in § 16-2-5.1.

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

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

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

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

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

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

32 **16-2-11. General powers and duties of superintendent.**

33 (a) The superintendent of schools employed in accordance with the provisions of this
34 chapter shall, under the direction of the school committee, have the care and supervision of the

1 public schools and shall be the chief administrative agent of the school committee. The
2 superintendent shall have any duties as are defined in this section and in this title and any other
3 duties as may be determined by the school committee, and shall perform any other duties as may
4 be vested in him or her by law. In addition to the care and supervision of public schools ~~and the~~
5 ~~appointment of employees of the district~~, it shall be the duty of the superintendent:

- 6 (1) To implement policies established by the school committee.
- 7 (2) To recommend educational plans, policies, and programs to meet the needs of the
8 district.
- 9 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
10 transportation of students.
- 11 (4) To comply with provisions of federal and state law and local charter provisions and
12 ordinances.
- 13 (5) To have administrative responsibility for the school system.
- 14 (6) ~~To oversee the care, control, and management of school facilities and equipment.~~ To
15 appoint principals for each public school within the district at levels of compensation determined
16 in accordance with policies established by the school committee.
- 17 (7) ~~To appoint all school department personnel with the consent of the school committee.~~
18 To appoint administrators and other personnel not assigned to individual schools at levels of
19 compensation determined in accordance with policies established by the school committee and
20 collective bargaining agreements.
- 21 (8) To ~~administer~~ oversee the personnel function of the school department consistent with
22 personnel standards, policies, and the table of organization established by the school committee.
- 23 (9) To provide for the evaluation of department personnel appointed by the
24 superintendent.
- 25 (10) To prepare a school budget for consideration by the school committee.
- 26 (11) To authorize purchases consistent with the adopted school budget, policies and
27 directives of the school committee, and applicable municipal policies, ordinances, and charter
28 provisions.
- 29 (12) To be responsible for keeping the records of the school system.
- 30 (13) To report to the school committee on a regular basis the financial condition of the
31 school system.
- 32 (14) To ~~be responsible for~~ oversee discipline in the school system.
- 33 (15) To evaluate all schools within the school system and to report to the school
34 committee the conformity with regulations of the board of regents and the policies, programs, and

1 directives of the school committee.

2 (16) To report to the school committee on the operation of the school system, including
3 an annual report on the district's progress.

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

7 (c) If at any time during the fiscal year the superintendent of schools determines, or is
8 notified by the city or town chief charter officer or treasurer, that the estimated school expenses
9 may exceed all revenue appropriated by the state or city or town or otherwise for public schools
10 in the city or town, the superintendent of schools shall recommend to the school committee and
11 shall, in order to provide for continuous regular public school operations consistent with the
12 requirements of § 16-2-2 without regard to financial conditions, subsequently report to the city or
13 town treasurer and chief charter officer what action will be taken to prevent an excess of
14 expenditures, encumbrances, and accruals over revenues for public schools in the city or town.

15 SECTION 3. Chapter 16-2 of the General Laws entitled "School Committees and
16 Superintendents [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
17 amended by adding thereto the following section:

18 **16-2-11.1. General powers and duties of school principals.**

19 (a) Principals employed under this section shall be the educational administrators and
20 managers of their schools and shall supervise the operation and management of their schools and
21 school property, subject to the supervision and direction of the superintendent. The principal shall
22 have any duties as are defined in this section and in this title and shall perform any other duties as
23 may be vested in him or her by law. In addition to serving as the educational administrator and
24 manager of his or her school, it shall be the duty of the principal:

25 (1) In consultation with the school improvement team, to hire all teachers, athletic
26 coaches, instructional or administrative aides, and other personnel assigned to the school,
27 consistent with district personnel policies, collective bargaining agreements, and budgetary
28 restrictions, and subject to the approval of the superintendent.

29 (2) To terminate any teachers, athletic coaches, instructional or administrative aides, and
30 other personnel assigned to the school, consistent with district personnel policies, collective
31 bargaining agreements and budgetary restrictions, subject to review and prior approval by the
32 superintendent and subject to the provisions of this chapter.

33 (3) To oversee the care, control, and management of school facilities and equipment.

34 (4) In consultation with the school improvement team, to prepare a school budget for

1 consideration by the superintendent.

2 (5) To provide for the evaluation of personnel assigned to the school, including all
3 teachers, consistent with the standards developed by the school committee pursuant to § 16-2-
4 9(a)(14).

5 (b) It shall be the responsibility of the principal, in consultation with professional staff of
6 the building, to promote participatory decision making among all professional staff for the
7 purpose of developing educational policy.

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

11 SECTION 4. Sections 16-53.1-2 and 16-53.1-3 of the General Laws in Chapter 16-53.1
12 entitled "Rhode Island School Improvement Team Act" are hereby amended to read as follows:

13 **16-53.1-2. Establishment of school improvement teams.**

14 (a)(1) The school board or school committees of the cities and towns shall establish a
15 school improvement team for each school in the district, and shall develop procedures for the
16 election and appointment of school improvement team members. Each school improvement team
17 shall be composed of the principal and an appropriately balanced number of teachers, education
18 support employees, students, parents, and other business and community citizens who are
19 representative of the ethnic, racial, and economic community served by the school, provided that
20 vocational-technical center and high school school-improvement teams shall include students,
21 and middle and junior high school school-improvement teams may include students. Members
22 representing teachers, education support employees, students, and parents shall be selected by
23 their peer groups at the school in a fair and equitable manner. At the middle and high school
24 levels, where there are designated department heads, those department heads will also be included
25 on the school improvement team.

26 (2) Business and other community members shall be selected by the school according to a
27 procedure established by the school board. The school board shall review the membership
28 composition of each school improvement team. Should the school board determine that the
29 membership elected by the school is not representative of the ethnic, racial, and economic
30 community served by the school, the board shall appoint additional members to achieve proper
31 representation. For the purposes of school improvement teams, the term "teacher" includes
32 classroom teachers, certified student services personnel, and media specialists. For purposes of
33 this subsection, "education support employee" means any person employed by a school who is
34 not defined as instructional or administrative personnel pursuant to law and whose duties require

1 twenty (20) or more hours in each normal working week.

2 (b) The school board may establish a district school improvement team representative of
3 the district and composed of teachers, students, parents, and other citizens or a district school
4 improvement team which may be comprised of representatives of each school improvement team.

5 **16-53.1-3. Duties of the school improvement teams.**

6 ~~Each school improvement team shall perform any functions that are prescribed by~~
7 ~~regulations of the school board or school committee; no school improvement team shall have any~~
8 ~~of the powers and duties now reserved by law to the school board. Each school improvement~~
9 ~~team shall assist in the preparation and evaluation of the school improvement plans and shall~~
10 ~~provide any assistance that the principal may request in preparing the school's annual budget and~~
11 ~~plan as required by law.~~

12 (a) The school improvement team, including the school principal, shall meet regularly
13 and shall assist in the identification of the educational needs of the students attending the school,
14 make recommendations to the principal for the development, implementation and assessment of a
15 curriculum accommodation plan, and shall assist in the review of the annual school budget and in
16 the formulation of a school improvement plan, as provided below.

17 (b) The principal of each school, in consultation with the school improvement team
18 established pursuant to this section, shall on an annual basis, develop and submit to the district
19 superintendent a plan for improving student performance. The superintendent shall review and
20 approve the plan, after consultation with the school committee. Plans shall be prepared in a
21 manner and form prescribed by the department of elementary and secondary education and shall
22 conform to any policies and practices of the district consistent therewith. If the superintendent
23 does not approve a plan submitted by the principal, the plan shall be returned to the principal who
24 shall, after consultation with the school improvement team, resubmit the plan to the
25 superintendent who shall review and approve the resubmitted plan, after consultation with the
26 school committee.

27 (c) Nothing contained in this section shall prevent the school committee from granting a
28 school improvement team additional authority in the area of educational policy; provided,
29 however, that school improvement teams shall have no authority over the rights of teachers and
30 other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28; and
31 provided further, that, school improvement teams have no authority to abrogate any agreement
32 reached by collective bargaining.

33 SECTION 5. Section 16-59-6 of the General Laws in Chapter 16-59 entitled "Council on
34 Postsecondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]"

1 is hereby repealed.

2 ~~**16-59-6. Commissioner of postsecondary education.**~~

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

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

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

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

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

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

34 ~~(6) To assist the board of education in preparation and maintenance of a five year (5)~~

1 ~~strategic funding plan for higher education; to assist the council in the preparation and~~
2 ~~presentation annually to the state budget officer in accordance with § 35-3-4 of a total, public~~
3 ~~higher educational budget.~~

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

6 ~~(8) To annually recommend to the council on postsecondary education, after consultation~~
7 ~~with the presidents, the creation, abolition, retention, or consolidation of departments, divisions,~~
8 ~~programs, and courses of study within the public colleges and universities to eliminate~~
9 ~~unnecessary duplication in public higher education, to address the future needs of public higher~~
10 ~~education in the state, and to advance proposals recommended by the presidents of the public~~
11 ~~colleges and universities pursuant to §§ 16-32-2.1, 16-33-2.1 and 16-33.1-2.1.~~

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

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

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

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

24 ~~(13) To carry out the policies and directives of the board of education and the council on~~
25 ~~postsecondary education through the office of postsecondary commissioner and through~~
26 ~~utilization of the resources of the public institutions of higher learning.~~

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

33 ~~(15) To the extent necessary for participation, and to the extent required and stated in any~~
34 ~~distance learning reciprocity agreement, to implement procedures to address complaints received~~

1 ~~from out of state students in connection with, or related to, any Rhode Island postsecondary~~
2 ~~institution, public or private, that has been approved to participate in said reciprocity agreement.~~

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

5 SECTION 6. Section 16-60-6 of the General Laws in Chapter 16-60 entitled "Council on
6 Elementary and Secondary Education [See Title 16 Chapter 97 - The Rhode Island Board of
7 Education Act]" is hereby amended to read as follows:

8 **16-60-6. Commissioner of elementary and secondary education.**

9 The council on elementary and secondary education, with the advice and consent of the
10 board of education, shall appoint a commissioner of elementary and secondary education who
11 shall serve at the pleasure of the council on elementary and secondary education, provided that
12 the commissioner's initial engagement by the council shall be for a period of not more than three
13 (3) years. ~~For the purpose of appointing, retaining, or dismissing a commissioner, the governor~~

14 ~~shall serve as an additional voting member of the council on elementary and secondary education.~~

15 The position of commissioner shall be in the unclassified service of the state and he or she shall
16 serve as the chief executive officer of the council on elementary and secondary education and as
17 the chief administrative officer of the department of elementary and secondary education. The
18 commissioner of elementary and secondary education shall have the duties that are defined in this
19 section and in this title and any other additional duties that may be determined by the council on
20 elementary and secondary education, and shall perform any other duties that may be vested in the
21 commissioner by law. In addition to the general supervision of the department of elementary and
22 secondary education and the appointment of the several officers and employees of the
23 department, it shall be the duty of the commissioner of elementary and secondary education:

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

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

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

32 (4) To implement broad policy as it pertains to the goals and objectives established by the
33 board of education; to enforce standards and to exercise general supervision over public
34 elementary and secondary education in the state and over all elementary and secondary nonpublic

1 education in the state as provided in subdivision (8) of this section; to assist in the preparation of
2 the budget for elementary and secondary education and to be responsible upon direction of the
3 council on elementary and secondary education for the allocation of appropriations, the
4 acquisition, holding, disposition, and general management of property.

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

9 (6) To assist the council on elementary and secondary education in the preparation and
10 presentation annually to the state budget officer, in accordance with § 35-3-4, of a total state
11 elementary and secondary educational budget which shall include, but not be limited to, the
12 budget of the department of elementary and secondary education, subcommittees and agencies,
13 and state aid to local school districts.

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

18 (8) To perform the duties vested in the board of education and council on elementary and
19 secondary education with relation to nonpublic elementary and secondary educational institutions
20 within the state under the terms of chapter 40 of this title, and other laws that affect nonpublic
21 elementary and secondary education in the state.

22 (9) To supervise the following specific functions:

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

25 (ii) To recommend standards and qualifications of teachers and to issue certificates upon
26 approval of standards and qualifications by the council on elementary and secondary education.

27 (iii) To distribute state school funds in accordance with law and regulations of the council
28 on elementary and secondary education.

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

32 (v) To certify that school library standards and services are in accordance with law and
33 regulations of the council on elementary and secondary education.

34 (vi) To recommend to the council on elementary and secondary education relating to the

1 transportation of pupils to school.

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

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

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

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

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

12 (xii) To determine when special purpose grants made to local school districts shall be
13 eligible for reimbursement through the school operations aid formula in accordance with chapter
14 7 of this title, and to designate the purpose(s) for which the local school district may use the
15 school operations aid reimbursement, including reimbursement on local matching funds used to
16 support the special purpose grant. The commissioner shall promulgate and adopt rules and
17 regulations to carry out the intent of this subsection.

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

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

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

26 SECTION 7. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
27 by adding thereto the following chapter:

28 CHAPTER 97.1

29 EDUCATION ACCOUNTABILITY ACT

30 **16-97.1-1. Performances of local education agencies and individual public schools;**
31 **Evaluation system; Assessment instruments; Reports.**

32 (a) The board of education (the "board") shall adopt a system for evaluating, on an annual
33 basis, the performance of both local education agencies and individual public schools. With
34 respect to individual schools, the system shall:

1 (1) Include instruments designed to assess the extent to which schools and districts
2 succeed in improving or fail to improve student performance, as defined by:

3 (i) Student acquisition of the skills, competencies, and knowledge called for by the
4 academic standards and embodied in the curriculum frameworks established pursuant to § 16-22-
5 31 in the areas of mathematics, English language arts, science and technology, history and social
6 studies, world languages, and the arts; and

7 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to
8 students, parents, teachers, administrators, and taxpayers.

9 (2) Be designed both to measure outcomes and results regarding student performance,
10 and to improve the effectiveness of curriculum and instruction.

11 (3) In its design and application, strike a balance among considerations of accuracy,
12 fairness, expense, and administration.

13 (4) Employ a variety of assessment instruments on either a comprehensive or statistically
14 valid sampling basis. Such instruments shall:

15 (i) Be criterion-referenced, assessing whether students are meeting the academic
16 standards described in this chapter;

17 (ii) As much as is practicable, especially in the case of students whose performance is
18 difficult to assess using conventional methods, include consideration of work samples, projects,
19 and portfolios, and shall facilitate authentic and direct gauges of student performance;

20 (iii) Provide the means to compare student performance among the various school
21 systems and communities in the state, and between students in other states and in other nations,
22 especially those nations which compete with the state for employment and economic
23 opportunities;

24 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes; and

25 (v) Recognize sensitivity to different learning styles and impediments to learning, which
26 may include issues related, but not limited to, cultural, financial, emotional, health, and social
27 factors.

28 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity
29 of students in the state and the particular circumstances of students with special needs.

30 (6) Comply with federal requirements for accommodating children with special needs.

31 (7) Allow all potential English-proficient students from language groups in which
32 English language learner programs are offered opportunities for assessment of their performance
33 in the language which best allows them to demonstrate educational achievement and mastery of
34 academic standards and curriculum frameworks established under §§ 16-22-30 and 16-22-31. For

1 the purposes of this section, a "potential English proficient student" shall be defined as a student
2 who is not able to perform ordinary class work in English; provided, however, that no student
3 shall be allowed to be tested in a language other than English for longer than three (3)
4 consecutive years.

5 (b) The board shall take all appropriate action to bring about and continue the state's
6 participation in the assessment activities of the National Assessment of Educational Progress and
7 in the development of standards and assessments by the New Standards Program.

8 (c) In addition, comprehensive diagnostic assessment of individual students shall be
9 conducted at least in the fourth, eighth, and tenth or eleventh grades. Said diagnostic assessments
10 shall identify academic achievement levels of all students in order to inform teachers, parents,
11 administrators, and the students themselves, as to individual academic performance.

12 (d) The board shall develop procedures for updating, improving, or refining the
13 assessment system.

14 (e) The commissioner of elementary and secondary education (the "commissioner") is
15 authorized and directed to gather information, including the information specified herein and such
16 other information as the board shall require, for the purposes of evaluating individual public
17 schools, school districts, and the efficacy and equity of state and federally-mandated programs.
18 All information gathered pursuant to this section shall be filed in the manner and form prescribed
19 by the department of education (the "department").

20 (f) The board shall establish and maintain a data system to collect information from
21 school districts for the purpose of assessing the effectiveness of district evaluation systems in
22 assuring effective teaching and administrative leadership in the public schools. Such information
23 shall be made available in the aggregate to the public; provided, however, that the following
24 information shall be considered personnel information and shall not be subject to disclosure:

25 (1) Any data or information that school districts, the department, or both create, send, or
26 receive in connection with an educator assessment that is evaluative in nature and that may be
27 linked to an individual educator, including information concerning:

28 (i) An educator's formative assessment or evaluation;

29 (ii) An educator's summative evaluation or performance rating; or

30 (iii) The student learning, growth, and achievement data that may be used as part of an
31 individual educator's evaluation.

32 (g) Each school district shall maintain individual records on every student and employee.
33 Each student record shall contain a unique and confidential identification number, basic
34 demographic information, program and course information, and such other information as the

1 department shall determine necessary. Said records shall conform to parameters established by
2 the department.

3 (h) For the purposes of improving the performance of school districts, individual public
4 schools, and the efficacy and equity of state and federal programs, each district shall file with the
5 commissioner once in each three (3) year period a comprehensive, three (3) year district
6 improvement plan. The plan shall:

7 (1) Be developed and submitted in a manner and form prescribed by the department of
8 education.

9 (2) To the extent feasible, be designed to fulfill all planning requirements of state and
10 federal education laws.

11 (3) Include, but not be limited to:

12 (i) An analysis of student and subgroup achievement gaps in core subjects;

13 (ii) Identification of specific improvement objectives;

14 (iii) A description of the strategic initiatives the district will undertake to achieve its
15 improvement objectives; and

16 (iv) Performance benchmarks and processes for evaluating the effect of district
17 improvement initiatives.

18 (4) Describe the professional development activities that will support each district
19 improvement initiative and the teacher induction and mentoring activities that will be undertaken
20 to support successful implementation of the district's improvement efforts.

21 (i) On an annual basis, not later than September 1 of each year, each district shall prepare
22 and have available for state review an annual action plan. The district annual action plan shall:

23 (1) Enumerate the specific activities, persons responsible, and timelines for action to be
24 taken as part of the strategic initiatives set forth in the district's three (3) year improvement plan;
25 and

26 (2) Identify the staff and financial resources allocated to support these activities.

27 (j) Annually, the principal of each school shall:

28 (1) In consultation with the school improvement team, adopt student performance goals
29 for the schools consistent with the school performance goals established by the department of
30 education pursuant to state and federal law and regulations;

31 (2) Consistent with any educational policies establish for the district, assess the needs of
32 the school in light of those goals; and

33 (3) Formulate a school plan to advance such goals and improve student performance. The
34 school's plan to support improved student performance shall:

1 (i) Include, but not be limited to, the same components required for the district
2 improvement plan;

3 (ii) Conform to department and district specifications to ensure that such school
4 improvement plans meet state and federal law requirements; and

5 (iii) Be submitted to the superintendent who shall review and approve the plan, after
6 consultation with the school committee, not later than July 1 of the year in which the plan is to be
7 implemented, according to a plan development and review schedule established by the district
8 superintendent.

9 (k) The three (3) year comprehensive district plan, annual district action plan, and annual
10 school improvement plan shall replace any district and school plans previously required under the
11 general laws or regulation, which, in the professional opinion of the commissioner, would be
12 most effectively presented as part of the coordinated district or school plan for improving student
13 achievement. The department shall identify any additional reports or plans called for by any
14 general law or regulation which can be incorporated into this single filing in order to reduce
15 paperwork and eliminate duplication.

16 (1) Each school district in which more than twenty percent (20%) of the students score
17 below level two (2) on the Rhode Island assessment system exam ("RIAS") shall submit a RIAS
18 success plan to the department. The plan shall describe the school district's strategies for helping
19 each student to master the skills, competencies, and knowledge required for the competency
20 determination. The department shall:

21 (1) Determine the elements that shall be required to be included in such plan. These
22 elements may include, but are not limited to, the following:

23 (i) A plan to assess each student's strengths, weaknesses and needs;

24 (ii) A plan to use summer school, after school, and other additional support to provide
25 each child with the assistance needed; and

26 (iii) A plan for involving the parents of students.

27 (2) Examine each district's plan and determine if it has a reasonable prospect of
28 significantly reducing the school district's failure rates.

29 (3) Coordinate oversight of the RIAS success plans with existing audit and oversight
30 functions and with the RIAS grant program.

31 (m) Each school district shall file a report with the department every year by a date and in
32 a format determined by the board. Said report shall include, but not be limited to, the following:

33 (1) An outline of the curriculum and graduation requirements of the district;

34 (2) Pupil/teacher ratios and class size policy and practice;

- 1 (3) Teacher and administrator evaluation procedures;
- 2 (4) Statistics, policies, and procedures relative to truancy and dropouts;
- 3 (5) Statistics, policies, and procedures relative to expulsions and in-school and out-of-
- 4 school suspensions;
- 5 (6) Percent of school-age children attending public schools;
- 6 (7) Racial composition of teaching and administrative staff;
- 7 (8) Enrollment and average daily attendance; and
- 8 (9) The annual budgets and expenditures for both the district and the individual schools in
- 9 the district.
- 10 (n) Each school district shall file a description of the following instructional procedures
- 11 and programs with the department every year:
- 12 (1) Art and music programs;
- 13 (2) Technology education;
- 14 (3) Programs for gifted and talented students;
- 15 (4) Adult education programs;
- 16 (5) Library and media facilities;
- 17 (6) Condition of instructional materials including textbooks, workbooks, audio-visual
- 18 materials, and laboratory materials;
- 19 (7) Types and condition of computers and computer software;
- 20 (8) Basic skills remediation programs;
- 21 (9) Drug, tobacco, and alcohol abuse programs;
- 22 (10) Multi-cultural education training for students and teachers;
- 23 (11) Global education; and
- 24 (12) Nutrition and wellness programs.
- 25 (o) Each school district and charter school shall file an annual report for the current
- 26 school year regarding implementation with the department every November 1 in a format
- 27 determined by the board. The report shall include, but not be limited to, the following:
- 28 (1) The number of children receiving services within each disability category;
- 29 (2) The number of children, by grade level, within each such disability category and the
- 30 costs of services provided by each such category for such children receiving their education in a
- 31 publicly operated day school program;
- 32 (3) The number of children, by grade level, within each such disability category and the
- 33 costs of services provided by each such category for such children receiving their education in a
- 34 private day setting;

1 (4) The number of children, by grade level, within each such disability category and the
2 costs of services provided by each such category for such children receiving their education in a
3 private residential setting;

4 (5) The number of children who remain in the regular education program full-time; the
5 number of children who are removed from the regular classroom for up to twenty-five percent
6 (25%) of the day; the number of children who are removed from the regular classroom between
7 twenty-five percent (25%) and sixty percent (60%) of the day;

8 (6) The number of children who are placed in substantially separate classrooms on a
9 regular education school site;

10 (7) The number of children, ages three (3) and four (4) who are educated in integrated
11 and separate classrooms; and the assignment by sex, national origin, economic status, race, and
12 religion, of children by age level to special education classes and the distribution of children
13 residing in the district by sex, national origin, economic status, race, and religion of children by
14 age level; and

15 (8) The number of children, by grade level, receiving special education services who
16 have limited English proficiency.

17 (p) Each school district and charter school shall furnish in a timely manner such
18 additional information as the department shall request.

19 (q) Each school district required to provide an English language learners program shall
20 file the following information with the department annually;

21 (1) The type of English language learners programs provided;

22 (2) With regard to limited English proficient students:

23 (i) The number enrolled in each type of English language learners program;

24 (ii) The number enrolled in English as a second language who are not enrolled in another
25 English language learners program;

26 (iii) The results of basic skills, curriculum assessment, achievement, and language
27 proficiency testing, whether administered in English or in the native language;

28 (iv) The absentee, suspension, expulsion, dropout, and promotion rates; and

29 (v) The number of years each limited English proficient student has been enrolled in an
30 English language learners program; and

31 (3) The number of students each year who have enrolled in institutions of higher
32 education and were formerly enrolled in an English language learners program;

33 (4) The academic progress in regular education of students who have completed an
34 English language learners program;

1 (5) For each limited English proficient student receiving special education, the number of
2 years in the school district prior to special education evaluation and the movement in special
3 education programs by program placement;

4 (6) The number of limited English proficient students enrolled in programs of
5 occupational or vocational education;

6 (7) The name, national origin, native language, certificates held, language proficiency,
7 grade levels, and subjects taught by each teacher of an English language learners program,
8 bilingual aides or paraprofessionals, bilingual guidance or adjustment counselors, and bilingual
9 school psychologists;

10 (8) The per-pupil expenditures for each full-time equivalent student enrolled in an
11 English language learners program;

12 (9) The sources and amounts of all funds expended on students enrolled in English
13 language learners programs, broken down by local, state, and federal sources, and whether any
14 such funds expended supplanted, rather than supplemented, the local school district obligation;

15 (10) The participation of parents through parent advisory councils;

16 (11) Whether there were any complaints filed with any federal or state court or
17 administrative agency, since the program's inception, concerning the compliance with federal or
18 state minimum legal requirements, the disposition of such complaint, and the monitoring and
19 evaluation of any such agreement or court order relative to such complaint; and

20 (12) Said information shall be filed in the form of the total for the school district as well
21 as categorized by school, grade, and language.

22 (r) The commissioner annually shall analyze and publish data reported by school districts
23 under this section regarding English language learners programs and limited English proficient
24 students. Publication shall include, but need not be limited to, availability on the department's
25 website. The commissioner shall submit annually a report to the committees of jurisdiction for
26 education in the house of representatives and senate on such data on a statewide and school
27 district basis including, but not limited to, by language group and type of English language
28 learners programs.

29 **16-97.1-2. Additional duties of the department of education related to school and**
30 **district accountability.**

31 (a) In order to support the commissioner and the board in fulfilling their duties, the
32 department shall use existing budgetary resources and existing personnel in its implementation of
33 improvement plans pursuant to this section. The department shall:

34 (1) Provide a mechanism to review and report on the efforts of schools, charter schools,

1 and school districts, including regional school districts, to improve the academic achievement of
2 their students;

3 (2) Inform and assist the board in fulfilling their broader responsibilities to promote high
4 levels of achievement in the schools and districts of the state;

5 (3) Be, for purposes of school and district accountability, under the direction and
6 supervision of one individual who shall be appointed by the commissioner. This individual shall
7 be responsible for:

8 (i) The direction and supervision of the targeted assistance and intervention efforts of the
9 department under this chapter;

10 (ii) Such assistance efforts as the commissioner deems necessary to correct deficiencies
11 identified by the department;

12 (iii) Compliance with the accountability provisions of federal law; and

13 (iv) Ensuring that the auditing and assistance functions of the department are aligned to
14 promote collaboration and communication across the auditing and assistance functions.

15 (4) Ensure that school and district review teams include experienced practitioners in the
16 field of education, except that no member shall have been previously or currently employed by:

17 (i) The school, district, or charter school being reviewed; or

18 (ii) A district, charter school, or education collaborative serving a common student
19 population with the school, district, or charter school being reviewed.

20 (5) Act as an auditing body, objectively reviewing the results of educational measurement
21 and tests conducted by or for the department in implementing the laws under this chapter. In
22 executing this subsection, the department shall:

23 (i) Perform no fewer than three (3) school district reviews annually, seventy-five percent
24 (75%) of which shall be in districts whose students achieve at low levels either in absolute terms
25 or relative to districts that educate similar student populations. The remainder of the audits shall
26 be divided equally among districts whose students achieve at high levels relative to districts that
27 educate similar student populations and randomly selected districts;

28 (ii) Ensure that no school or district is reviewed during the administration of any
29 statewide assessments;

30 (iii) Coordinate with other entities in the department to ensure that a school or district is
31 not subject to multiple comprehensive audits or reviews by the department or any accrediting
32 body within a nine (9) month period, unless the board specifically votes to do so on an emergency
33 basis;

34 (iv) Have the following duties relative to school district audits:

- 1 (A) Objectively review the accuracy of the school and district reports by conducting or
2 contracting for periodic program and fiscal audits as necessary;
- 3 (B) Undertake inspections of schools, charter schools, and school districts, including
4 regional school districts, to evaluate efforts to improve and support the quality of instruction and
5 administration;
- 6 (C) Review the district's RIAS success plan, if one was required pursuant to law, and
7 evaluate the implementation of that plan;
- 8 (D) Review the district's implementation of any RIAS grants received to develop or
9 enhance academic support services for students scoring in level 1 or 2;
- 10 (E) Evaluate the alignment of curriculum and professional development plans with the
11 state curriculum and assessments;
- 12 (F) Review the progress of overall student achievement;
- 13 (G) Evaluate student performance, school and district management, overall district
14 governance, and any other areas deemed necessary by the department; and
- 15 (H) Ensure such audits are conducted in accordance with standards established by the
16 council of elementary and secondary education;
- 17 (v) Following the school district audit, produce a comprehensive report detailing its
18 findings and observations, which the commissioner shall present to the council along with any
19 recommendations for further action to be taken by the council. After the council's receipt of the
20 report, the commissioner shall issue recommendations to districts not requiring further action
21 relative to methods for improving any deficiencies identified by the department. The
22 recommendations shall be transmitted to the reviewed district's superintendent and school
23 committee within ninety (90) days of the council's receipt of the report; and
- 24 (vi) Annually compile a report of best practices from the list of audits conducted that year
25 and distribute the compiled list to all school districts in the state.
- 26 (6) For the purposes of any inspection or audit, have access to all necessary papers,
27 vouchers, books, and records pertaining to a school, including a charter school, a school district,
28 or a regional school district;
- 29 (7) In establishing protocols for the conduct of school or district audits, to the extent
30 practicable, minimize the administrative burden on schools and districts by using existing,
31 recently-compiled, or readily-available data sources. Schools, school districts, and school
32 personnel shall cooperate with the department for any inspection or audit conducted pursuant to
33 this section including, but not limited to, participating in interviews and producing books and
34 documents. Each school district, including regional school districts and charter schools, shall

1 annually file with the department, on or before October 1, a copy of its current personnel
2 contracts and collective bargaining agreements in a form and manner prescribed by the
3 commissioner. The department shall ensure that any noncompliance with law, misfeasance, or
4 malfeasance shall be referred to the commissioner for appropriate action;

5 (8) Support the commissioner and the council in carrying out their duties under sections
6 related to underperforming schools. Nothing in this section shall be construed as limiting the
7 ability of the department to contract with individuals, external partners, or other entities to
8 support the assistance functions established by said sections.

9 (b) The department shall transmit its findings, audit reports, recommendations, and
10 follow-up reports to the council on elementary and secondary education, the attorney general, and
11 a local public library in the audited districts. The department shall report to the general assembly
12 the results of its findings, audit report, recommendations, and follow-up reports, and file such
13 reports with the clerks of the house of representatives and the senate, who shall forward the same
14 to the senate president, the speaker of the house of representatives, and the committees of
15 educational jurisdiction.

16 SECTION 8. This act shall take effect on January 1, 2020.

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LC002601
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- EDUCATION ACCOUNTABILITY ACT

1 This act would provide for greater school-based management at the school level, would
2 expand the duties of school improvement teams, and would also establish a new chapter on
3 education accountability which provide for evaluations, assessments, and reports on the
4 performance of both school districts and individual schools.

5 This act would take effect on January 1, 2020.

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