

2019 -- S 0865 SUBSTITUTE A

LC002553/SUB A

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: Senators Pearson, McCaffrey, Algieri, Goodwin, and Ruggerio

Date Introduced: May 08, 2019

Referred To: Senate Education

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.](#)

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.

4 (18) To institute a process for reviewing and identifying high-quality curriculum and
5 materials in mathematics, English language arts, and science and technology.

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

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

11 **16-2-9. General powers and duties of school committees.**

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

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

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

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

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

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

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

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

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

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

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

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

34 (12) To employ a superintendent of schools and assign any compensation and other terms

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

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

7 ~~(14)~~(13) To establish minimum standards for personnel, to adopt personnel policies, and
8 to approve a table of organization.

9 ~~(15)~~(14) To establish standards for the evaluation of personnel.

10 ~~(16)~~(15) To establish standards for conduct in the schools and for disciplinary actions.

11 ~~(17)~~(16) To hear appeals from disciplinary actions.

12 ~~(18)~~(17) To enter into contracts; provided, however, that notwithstanding any other
13 provision of the general or public laws, whether of specific or general application, and
14 notwithstanding the provisions of any charter of any municipality where the school committee is
15 appointed and not elected, but not including, the Central Falls school district board of trustees
16 established by § 16-2-34, the power and duty to enter into collective bargaining agreements shall
17 be vested in the chief executive officer of the municipality and not in the school committee.

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

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

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

23 ~~(22)~~(21) To make any reports to the department of education as are required by the board
24 of regents for elementary and secondary education.

25 ~~(23)~~(22) To delegate, consistent with law, any responsibilities to the superintendent as the
26 committee may deem appropriate.

27 ~~(24)~~(23) To address the health and wellness of students and employees.

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

31 ~~(26)~~(25) To annually undertake a minimum of six (6) hours of professional development
32 as set forth and described in § 16-2-5.1.

33 (b) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
34 and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of title 28 or

1 to allow any school committee to abrogate any agreement reached by collective bargaining.

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

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

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

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

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

30 **16-2-11. General powers and duties of superintendent.**

31 (a) The superintendent of schools employed in accordance with the provisions of this
32 chapter shall, under the direction of the school committee, have the care and supervision of the
33 public schools and shall be the chief administrative agent of the school committee. The
34 superintendent shall have any duties as are defined in this section and in this title and any other

1 duties as may be determined by the school committee, and shall perform any other duties as may
2 be vested in him or her by law. In addition to the care and supervision of public schools and the
3 appointment of employees of the district, it shall be the duty of the superintendent:

4 (1) To implement policies established by the school committee.

5 (2) To recommend educational plans, policies, and programs to meet the needs of the
6 district.

7 (3) To recommend policies governing curriculum, courses of instruction, textbooks, and
8 transportation of students.

9 (4) To comply with provisions of federal and state law and local charter provisions and
10 ordinances.

11 (5) To have administrative responsibility for the school system.

12 (6) ~~To oversee the care, control, and management of school facilities and equipment.~~ To
13 appoint principals for each public school within the district at levels of compensation determined
14 in accordance with policies established by the school committee.

15 (7) ~~To appoint all school department personnel with the consent of the school committee.~~
16 To appoint administrators and other personnel not assigned to individual schools. Also, to
17 appoint, at the recommendation of the principal, personnel at individual schools in accordance
18 with policies established by school district policies and collective bargaining agreements.

19 (8) To ~~administer~~ oversee the personnel function of the school department consistent with
20 personnel standards, policies, and the table of organization established by the school committee.

21 (9) To provide for the evaluation of department personnel appointed by the
22 superintendent.

23 (10) To prepare a school budget for consideration by the school committee.

24 (11) To authorize purchases consistent with the adopted school budget, policies and
25 directives of the school committee, and applicable municipal policies, ordinances, and charter
26 provisions.

27 (12) To be responsible for keeping the records of the school system.

28 (13) To report to the school committee on a regular basis the financial condition of the
29 school system.

30 (14) To ~~be responsible for~~ oversee discipline in the school system.

31 (15) To evaluate all schools within the school system and to report to the school
32 committee the conformity with regulations of the board of regents and the policies, programs, and
33 directives of the school committee.

34 (16) To report to the school committee on the operation of the school system, including

1 an annual report on the district's progress.

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

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

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

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

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

23 (1) In consultation with the school improvement team, to recommend the hiring of all
24 teachers, athletic coaches, instructional or administrative aides, and other personnel assigned to
25 the school, consistent with district personnel policies, collective bargaining agreements, and
26 budgetary restrictions, and subject to the approval of the superintendent. Provided, that the hiring
27 of employees may not interfere with the layoff or recall rights provided in collective bargaining
28 agreements and the provisions of §16-13-6.

29 (2) To recommend the termination of any teachers, athletic coaches, instructional or
30 administrative aides, and other personnel assigned to the school, consistent with district personnel
31 policies, collective bargaining agreements and budgetary restrictions, subject to review and prior
32 approval by the 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 (6) In cooperation with the district's leadership, to initiate a performance review plan for
6 the school and for individual teachers.

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

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

13 (d) Recognizing that there may be a transition period necessary to implement the
14 provisions of this section, all local education agencies, as defined in chapter 97.1 of title 16, shall
15 ensure that the implementation of the powers and duties of school principals as provided by this
16 section are adopted and implemented as soon as practical, but no later than August 1, 2021.

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

19 **16-53.1-2. Establishment of school improvement teams.**

20 (a)(1) The school board or school committees of the cities and towns shall establish a
21 school improvement team for each school in the district, and shall develop procedures for the
22 election and appointment of school improvement team members. Each school improvement team
23 shall be composed of the principal and an appropriately balanced number of teachers, education
24 support employees, students, parents, and other business and community citizens who are
25 representative of the ethnic, racial, and economic community served by the school, provided that
26 vocational-technical center and high school school-improvement teams shall include students,
27 and middle and junior high school school-improvement teams may include students. Members
28 representing teachers, education support employees, students, and parents shall be selected by
29 their peer groups at the school in a fair and equitable manner. At the middle and high school
30 levels, where there are designated department heads, those department heads will also be included
31 on the school improvement team. At a minimum, these school improvement teams at this middle
32 and high school level shall include at least one department head from a humanities subject area
33 and at least one department head from one of the science, technology, engineering, or
34 mathematics subject areas.

1 (2) Business and other community members shall be selected by the school according to a
2 procedure established by the school board. The school board shall review the membership
3 composition of each school improvement team. Should the school board determine that the
4 membership elected by the school is not representative of the ethnic, racial, and economic
5 community served by the school, the board shall appoint additional members to achieve proper
6 representation. For the purposes of school improvement teams, the term "teacher" includes
7 classroom teachers, certified student services personnel, and media specialists. For purposes of
8 this subsection, "education support employee" means any person employed by a school who is
9 not defined as instructional or administrative personnel pursuant to law and whose duties require
10 twenty (20) or more hours in each normal working week.

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

14 **16-53.1-3. Duties of the school improvement teams.**

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

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

26 (b) The principal of each school, in consultation with the school improvement team
27 established pursuant to this chapter, shall, on an annual basis, develop and submit to the district
28 superintendent a plan for improving student performance. The superintendent shall review and
29 approve the plan, after consultation with the school committee. Plans shall be prepared in a
30 manner and form prescribed by the department of elementary and secondary education and shall
31 conform to any policies and practices of the district consistent therewith. If the superintendent
32 does not approve a plan submitted by the principal, the plan shall be returned to the principal who
33 shall, after consultation with the school improvement team, resubmit the plan to the
34 superintendent who shall review and approve the resubmitted plan after consultation with the

1 school committee.

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

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

11 **16-60-6. Commissioner of elementary and secondary education.**

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

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

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

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

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

1 (4) To implement broad policy as it pertains to the goals and objectives established by the
2 board of education; to enforce standards and to exercise general supervision over public
3 elementary and secondary education in the state and over all elementary and secondary nonpublic
4 education in the state as provided in subdivision (8) of this section; to assist in the preparation of
5 the budget for elementary and secondary education and to be responsible upon direction of the
6 council on elementary and secondary education for the allocation of appropriations, the
7 acquisition, holding, disposition, and general management of property.

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

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

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

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

25 (9) To supervise the following specific functions:

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

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

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

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

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

3 (vi) To recommend to the council on elementary and secondary education relating to the
4 transportation of pupils to school.

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

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

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

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

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

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

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

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

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

29 SECTION 6. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
30 by adding thereto the following chapter:

31 CHAPTER 97.1

32 EDUCATION ACCOUNTABILITY ACT

33 **16-97.1-1. Performances of local education agencies and individual public schools;**
34 **Evaluation system; Assessment instruments; Reports.**

1 (a) The board of education (the "board") shall adopt a system for evaluating, on an annual
2 basis, the performance of both local education agencies ("LEAs") and individual public schools.
3 The system shall:
4 (1) Include instruments designed to assess the extent to which schools and LEAs succeed
5 in improving or fail to improve student performance, as defined by:
6 (i) Student acquisition of the skills, competencies, and knowledge called for by the
7 academic standards and embodied in the curriculum frameworks established in the areas of
8 mathematics, English language arts, science and technology, history and social studies, world
9 languages, and the arts; and
10 (ii) Other gauges of student learning judged by the board to be relevant and meaningful to
11 students, parents, teachers, administrators, and taxpayers.
12 (2) Be designed both to measure outcomes and results regarding student performance,
13 and to improve the effectiveness of curriculum and instruction.
14 (3) In its design and application, strike a balance among considerations of accuracy,
15 fairness, expense, and administration.
16 (4) Employ a variety of assessment instruments on either a comprehensive or statistically
17 valid sampling basis. Such instruments shall:
18 (i) Be criterion-referenced, assessing whether students are meeting the academic
19 standards described in this chapter;
20 (ii) As much as is practicable, especially in the case of students whose performance is
21 difficult to assess using conventional methods, include consideration of work samples, projects,
22 and portfolios, and shall facilitate authentic and direct gauges of student performance;
23 (iii) Provide the means to compare student performance among the various school
24 systems and communities in the state, and between students in other states and in other nations,
25 especially those nations which compete with the state for employment and economic
26 opportunities;
27 (iv) Be designed to avoid gender, cultural, ethnic, or racial stereotypes; and
28 (v) Recognize sensitivity to different learning styles and impediments to learning, which
29 may include issues related, but not limited to, cultural, financial, emotional, health, and social
30 factors.
31 (5) Take into account, on a nondiscriminatory basis, the cultural and language diversity
32 of students in the state and the particular circumstances of students with special needs.
33 (6) Comply with federal requirements for accommodating children with special needs.
34 (7) Allow all potential English-proficient students from language groups in which

1 English language learner programs are offered opportunities for assessment of their performance
2 in the language which best allows them to demonstrate educational achievement and mastery of
3 academic standards and curriculum frameworks.

4 (8) Identify individual schools and LEAs that need comprehensive support and
5 improvement.

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

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

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

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

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

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

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

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

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

33 (g) Each school district shall maintain individual records on every student and employee.
34 Each student record shall contain a unique and confidential identification number, basic

1 demographic information, program and course information, and such other information as the
2 department shall determine necessary. Said records shall conform to parameters established by
3 the department.

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

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

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

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

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

14 (ii) Identification of specific improvement objectives;

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

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

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

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

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

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

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

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

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

34 (3) Formulate a school plan to advance such goals and improve student performance. The

1 school's plan to support improved student performance shall:

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

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

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

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

17 (1) Each school district in which more than twenty percent (20%) of the students do not
18 meet grade level expectations of at least proficient or its equivalent on the Rhode Island
19 comprehensive assessment system exam ("RICAS") shall submit a RICAS success plan to the
20 department. The plan shall describe the school district's strategies for helping each student to
21 master the skills, competencies, and knowledge required for the competency determination. In
22 recognition of the department's mission as a district support agency, then at the request of the
23 district or in response to reporting data provided under this subsection, the department shall:

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

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

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

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

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

32 (3) Coordinate oversight of the RICAS success plans with existing education review and
33 oversight functions and with the RICAS grant program.

34 (m) Each school district shall file a report with the department every year by a date and in

1 a format determined by the board. Said report shall include, but not be limited to, the following:

- 2 (1) An outline of the curriculum and graduation requirements of the district;
- 3 (2) Pupil/teacher ratios and class size policy and practice;
- 4 (3) Teacher and administrator evaluation procedures;
- 5 (4) Statistics, policies, and procedures relative to truancy and dropouts;
- 6 (5) Statistics, policies, and procedures relative to expulsions and in-school and out-of-
- 7 school suspensions;
- 8 (6) Percent of school-age children attending public schools;
- 9 (7) Racial composition of teaching and administrative staff;
- 10 (8) Enrollment and average daily attendance; and
- 11 (9) The annual budgets and expenditures for both the district and the individual schools in
- 12 the district.

13 (n) Each school district shall file a description of the following instructional procedures
14 and programs with the department every year:

- 15 (1) Art and music programs;
- 16 (2) Technology education;
- 17 (3) Programs for gifted and talented students;
- 18 (4) Adult education programs;
- 19 (5) Library and media facilities;
- 20 (6) Condition of instructional materials including textbooks, workbooks, audio-visual
- 21 materials, and laboratory materials;
- 22 (7) Types and condition of computers and computer software;
- 23 (8) Basic skills remediation programs;
- 24 (9) Drug, tobacco, and alcohol abuse programs;
- 25 (10) Multi-cultural education training for students and teachers;
- 26 (11) Global education; and
- 27 (12) Nutrition and wellness programs.

28 (o) Each school district and charter school shall file an annual report for the current
29 school year regarding implementation with the department on or before every November 1 in a
30 format determined by the board. The report shall include, but not be limited to, the following:

- 31 (1) The number of children receiving services within each disability category;
- 32 (2) 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 publicly operated day school program;

1 (3) 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 day setting;

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

7 (5) The number of children who remain in the regular education program full-time; the
8 number of children who are removed from the regular classroom for up to twenty-five percent
9 (25%) of the day; the number of children who are removed from the regular classroom between
10 twenty-five percent (25%) and sixty percent (60%) of the day;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (s) For the purposes of this chapter, "local education agencies" shall include all of the
32 following within the state of Rhode Island:

33 (1) Public school districts;

34 (2) Regional school districts;

- 1 (3) State-operated schools;
- 2 (4) Regional collaborative schools; and
- 3 (5) Charter schools and mayoral academies.

4 **16-97.1-2. Additional duties of the department of education related to school and**
5 **district accountability.**

6 (a) In order to support the commissioner and the board of education (the “board”) in
7 fulfilling their duties, the department shall use existing budgetary resources and existing
8 personnel in its implementation of improvement plans pursuant to this section. The department
9 shall:

10 (1) Provide a mechanism to review and report on the efforts of schools, charter schools,
11 and school districts, including regional school districts, to improve the academic achievement of
12 their students;

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

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

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

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

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

23 (iv) Ensuring that the education reviewing and assistance functions of the department are
24 aligned to promote collaboration and communication across the education reviewing and
25 assistance functions.

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

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

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

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

34 (i) Perform no fewer than five (5) school district education reviews annually, sixty

1 percent (60%) of which shall be in districts whose students achieve at low levels either in
2 absolute terms or relative to districts that educate similar student populations. The remainder of
3 the education reviews shall be divided equally among districts whose students achieve at high
4 levels relative to districts that educate similar student populations and randomly selected districts;
5 (ii) Ensure that no school or district is reviewed during the administration of any
6 statewide assessments;
7 (iii) Coordinate with other entities in the department to ensure that a school or district is
8 not subject to multiple comprehensive education reviews or reviews by the department or any
9 accrediting body within a nine (9) month period, unless the board specifically votes to do so on an
10 emergency basis;
11 (iv) Have the following duties relative to school district reviews:
12 (A) Objectively review the school and district reports;
13 (B) Undertake inspections of schools, charter schools, and school districts, including
14 regional school districts, to evaluate efforts to improve and support the quality of instruction and
15 administration;
16 (C) Review the district's RICAS success plan, if one was required pursuant to law, and
17 evaluate the implementation of that plan;
18 (D) Review the district's implementation of any RICAS grants received to develop or
19 enhance academic support services for students scoring below proficient or its equivalent;
20 (E) Evaluate the alignment of curriculum and professional development plans with the
21 state curriculum and assessments;
22 (F) Review the progress of overall student achievement;
23 (G) Evaluate student performance, school and district management, overall district
24 governance, and any other areas deemed necessary by the department; and
25 (H) Ensure such education reviews are conducted in accordance with standards
26 established by the council of elementary and secondary education;
27 (v) Following the school district's education review, produce a comprehensive report
28 detailing its findings and observations, which the commissioner shall present to the council along
29 with any recommendations for further action to be taken by the council. After the council's
30 receipt of the report, the commissioner shall issue recommendations to districts not requiring
31 further action relative to methods for improving any deficiencies identified by the department.
32 The recommendations shall be transmitted to the reviewed district's superintendent and school
33 committee within ninety (90) days of the council's receipt of the report; and
34 (vi) Annually compile a report of best practices from the list of education reviews

1 conducted that year and distribute the compiled list to all school districts in the state.

2 (6) For the purposes of any inspection or education review, have access to all necessary
3 papers, vouchers, books, and records pertaining to a school, including a charter school, a school
4 district, or a regional school district;

5 (7) In establishing protocols for the conduct of school or district education reviews, to the
6 extent practicable, minimize the administrative burden on schools and districts by using existing,
7 recently-compiled, or readily-available data sources. Schools, school districts, and school
8 personnel shall cooperate with the department for any inspection or education review conducted
9 pursuant to this section including, but not limited to, participating in interviews and producing
10 books and documents. Each school district, including regional school districts and charter
11 schools, shall annually file with the department, on or before October 1, a copy of its current
12 personnel contracts and collective bargaining agreements in a form and manner prescribed by the
13 commissioner. The department shall ensure that any noncompliance with law, misfeasance, or
14 malfeasance shall be referred to the commissioner for appropriate action;

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

19 (b) The department shall transmit its findings, education review reports,
20 recommendations, and follow-up reports to the council on elementary and secondary education,
21 the attorney general, and a local public library in the education reviewed districts. In addition, the
22 department shall appear annually before the health, education and welfare committee of the house
23 of representatives and before the senate education committee, to report on these findings, reviews,
24 recommendations, and other reports.

25 SECTION 7. This act shall take effect on January 1, 2020.

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LC002553/SUB A
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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 principals and school improvement teams, and would also establish a new
3 chapter on education accountability which would provide for evaluations, assessments, and
4 education review reports on the performance of both school districts and individual schools.

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

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LC002553/SUB A
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