

# RESOLUTION OF THE CITY COUNCIL

*No. 227*

**Approved May 21, 2014**

WHEREAS, The City of Providence appropriates more than \$5,000 per student in local funds to the School Department; and

WHEREAS, The City's local contribution is among the most generous in the State relative to the City's tax capacity, as measured by the "property tax effort" benchmark developed by the General Assembly at R.I.G.L. §16-7.1-6; and

WHEREAS, Despite this extraordinary tax effort by the City of Providence, the Providence Public Schools lack adequate funds to provide a quality public education to its children that complies with the State's accountability standards, and

WHEREAS, The funding gap is the result of a restrictive State aid funding formula which, for example, arbitrarily limits expenditures eligible for State aid, defined as the "core instructional amount" in R.I.G.L. §16-7.2-3; and

WHEREAS, The National Education Association's publication *Rankings and Estimates* calculates, in Chart F-10, the State of Rhode Island's overall share of school funding statewide to be at 30%, which is the third lowest in the country, well below the median of 47.2%; and

WHEREAS, The State's inadequate funding by this measurement has persisted for more than two decades and it unlikely to correct itself through the legislative process; and

WHEREAS, Other States, including Massachusetts, provide greater support and resources to local school districts, which allows them to achieve superior academic performance; and

WHEREAS, Disadvantaged children in other States (such as Massachusetts) have benefitted from court rulings that overcome political gridlock by protecting a child's right to public education under the State constitution; and

WHEREAS, The majority of states nationally have a State constitutional right to education; and

WHEREAS, Rhode Island's current Constitution has an education clause, but the Supreme Court has interpreted it not to provide a remedy in court for children who are denied this right; and

WHEREAS, A judicially enforceable right to education would allow Rhode Island's children an opportunity to have a fair and impartial hearing on what is needed for them to have an adequate education; and

WHEREAS, The General Assembly is reviewing two bills, H7896 and S2397 that would submit to the voters the question of amending the Rhode Island Constitution to strengthen its right to education.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council urges the General Assembly to enact H-7896 and S-2397 or similar legislation to amend the Rhode Island Constitution to establish a right to education that can be reviewed by a court of law; and

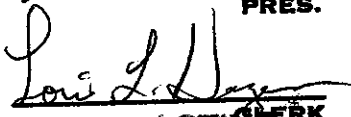
BE IT FURTHER RESOLVED, That, upon passage of this Resolution, the Clerk is requested to distribute copies of it to the Providence School Board, the Providence General Assembly delegation, the Rhode Island Board of Education and the Rhode Island Department of Education.

IN CITY COUNCIL

MAY 15 2014

READ AND PASSED

  
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PRES.

  
\_\_\_\_\_  
ACTING CLERK

I HEREBY APPROVE.

  
\_\_\_\_\_  
Mayor

Date: 5/21/14

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF  
AMENDMENT TO THE CONSTITUTION – RIGHT TO AN ADEQUATE EDUCATION

Introduced By: Representatives Messier, Serpa, Fellela, Diaz, and O'Brien

Date Introduced: March 06, 2014

Referred To: House Health, Education & Welfare

1           RESOLVED, That a majority of all members elected to each house of the general  
2 assembly voting therefore, the following amendment to the Constitution of the state be proposed  
3 to the qualified electors of the state in accordance with the provisions of Article XIV of the  
4 Constitution for their approval and that it take place of Article XII, Sections 1 and 2, and that it  
5 also add additional sections to Article XII, all of which are hereby amended, effective January 1,  
6 2015, to read as follows:

7           Section 1. ~~Duty of general assembly to promote schools and libraries~~ Right to an  
8 adequate education. — The diffusion of knowledge, as well as of virtue among the people, being  
9 essential to the preservation of their rights and liberties, ~~it shall be the duty of the general~~  
10 ~~assembly to promote public schools and public libraries, and to adopt all means which it may~~  
11 ~~deem necessary and proper to secure to the people the advantages and opportunities of education~~  
12 ~~and public library services.~~ is itself a fundamental right of all Rhode Island residents. It shall  
13 therefore be the paramount duty of the general assembly, the department of education, and other  
14 government agencies to provide all Rhode Island residents with equal opportunities to receive an  
15 education that is adequate to permit them to achieve at high levels and to become lifelong  
16 learners, productive workers, and responsible citizens, and also to provide public library services,  
17 and to establish, maintain, or operate such institutions of higher and vocational-technical learning,  
18 adult education, and other public education programs that the needs of the people may require.

19           Section 2. ~~Perpetual school fund.~~ — ~~The money which now is or which may hereafter be~~

1 appropriated by law for the establishment of a permanent fund for the support of public schools;  
2 shall be securely invested and remain a perpetual fund for that purpose. Judicial enforcement. --  
3 This article shall be judicially enforceable. Any person or entity injured or threatened with an  
4 injury because of any non-compliance with the provisions of this article shall be entitled to bring  
5 an action in Superior Court to enforce those provisions and to obtain declaratory and injunctive  
6 relief for any violation thereof. The prevailing plaintiff in any such action shall be entitled to an  
7 award of reasonable attorney's fees and reimbursement of costs, including, but not limited to,  
8 expert witness fees, from any party or parties adjudged liable.

9 Section 3. Donations. -- All donations for the support of public schools, or for other  
10 purposes of education, which may be received by the general assembly, shall be applied  
11 according to the terms prescribed by the donors.

12 Section 4. Implementation of article -- Diversion of funds prohibited. -- The general  
13 assembly shall make all necessary provisions by law for carrying this article into effect. It shall  
14 not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same,  
15 or any part thereof, for any other purpose, under any pretence pretense whatsoever; now therefore  
16 be it

17 RESOLVED, That this amendment shall take, in the Constitution of the state, the place of  
18 SECTION 1 and SECTION 2, Article XII, and add sections to Article XII, of the  
19 Constitution, effective January 1, 2015; and be it further

20 RESOLVED, That the said proposition of amendment shall be submitted to the electors  
21 for their approval or rejection at the next statewide general election. The voting places in the  
22 several cities and towns shall be kept open during the hours required by law for voting therein for  
23 general officers of the state; and be it further

24 RESOLVED, That the Secretary of State shall cause the said proposition of amendment  
25 to be published as a part of the resolution in the newspapers of the state prior to the date of the  
26 said meetings of the said electors; and the said proposition shall be inserted in the warrants or  
27 notices to be issued previous to said meetings of the electors for the purpose of warning the town,  
28 ward, or district meetings, and said proposition shall be read by the town, ward, or district  
29 meetings to be held as aforesaid; and be it further

30 RESOLVED, That the town, ward, and district meetings to be held as aforesaid shall be  
31 warned, and the list of voters shall be canvassed and made up, and the said town, ward, and  
32 district meetings shall be conducted in the same manner as now provided by law for the town,

1 ward, and district meetings for the elections of general officers of the state.

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF  
AMENDMENT TO THE CONSTITUTION -- RIGHT TO AN ADEQUATE EDUCATION

Introduced By: Senator Roger Picard

Date Introduced: February 12, 2014

Referred To: Senate Special Legislation and Veterans Affairs

1           RESOLVED, That a majority of all members elected to each house of the general  
2 assembly voting therefore, the following amendment to the Constitution of the state be proposed  
3 to the qualified electors of the state in accordance with the provisions of Article XIV of the  
4 Constitution for their approval and that it take place of Article XII, Sections 1 and 2, which are  
5 hereby amended, effective January 1, 2015, to read as follows:

6           Section 1. ~~Duty of general assembly to promote schools and libraries~~ Right to an  
7 adequate education. — The diffusion of knowledge, as well as of virtue among the people, being  
8 essential to the preservation of their rights and liberties, it shall be the duty of the general  
9 assembly to promote public schools and public libraries, and to adopt all means which it may  
10 deem necessary and proper to secure to the people the advantages and opportunities of education  
11 and public library services. is itself a fundamental right of all Rhode Island residents. It shall  
12 therefore be the paramount duty of the general assembly, the department of education, and other  
13 government agencies to provide all Rhode Island residents with equal opportunities to receive an  
14 education that is adequate to permit them to achieve at high levels and to become lifelong  
15 learners, productive workers, and responsible citizens, and also to provide public library services,  
16 and to establish, maintain, or operate such institutions of higher and vocational-technical learning,  
17 adult education, and other public education programs that the needs of the people may require.

18           Section 2. ~~Perpetual school fund.~~ — The money which now is or which may hereafter be  
19 appropriated by law for the establishment of a permanent fund for the support of public schools,

1 ~~shall be securely invested and remain a perpetual fund for that purpose. Judicial enforcement. —~~  
2 This article shall be judicially enforceable. Any person or entity injured or threatened with any  
3 injury because of any non-compliance with its provisions shall be entitled to bring an action in  
4 Superior Court to enforce these provisions and to obtain declaratory and injunctive relief for any  
5 violation thereof.

6 RESOLVED, That this amendment shall take, in the Constitution of the state, the place of  
7 Section 1 and section 2, Article XII, of the Constitution, effective January 1, 2015;

8 It is further

9 RESOLVED, That the said proposition of amendment shall be submitted to the electors  
10 for their approval or rejection at the next statewide general election. The voting places in the  
11 several cities and towns shall be kept open during the hours required by law for voting therein for  
12 general officers of the state; and be it further

13 RESOLVED, That the Secretary of State shall cause the said proposition of amendment  
14 to be published as a part of this resolution in the newspapers of the state prior to the date of the  
15 said meetings of the said electors; and the said proposition shall be inserted in the warrants or  
16 notices to be issued previous to said meetings of the electors for the purpose of warning the town,  
17 ward, or district meetings, and said proposition shall be read by the town, city, ward, or district  
18 meetings to be held as aforesaid; and be it further

19 RESOLVED, That the town, city, ward, and district meetings to be held as aforesaid shall  
20 be warned, and the list of voters shall be canvassed and made up, and the said town, ward, and  
21 district meetings shall be conducted in the same manner as now provided by law for the town,  
22 city, ward, and district meetings for the election of general officers of the state.

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LC004075/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

JOINT RESOLUTION

TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF  
AMENDMENT TO THE CONSTITUTION -- RIGHT TO AN ADEQUATE EDUCATION

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- 1        This amendment to the constitution of the state, if approved, would provide that it would
- 2   be the paramount duty of the general assembly, the department of education, and other
- 3   government agencies to provide Rhode Island residents with equal opportunities to receive an
- 4   education that is adequate to permit residents to achieve at high levels, effective January 1, 2015.
- 5   The amendment would also provide for judicial enforcement of this provision.

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LC004075/SUB A  
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