

RESOLUTION OF THE CITY COUNCIL

No. 248

Approved May 2, 1994

RESOLVED, That the members of the City Council endorse
House Bills 9115, 9101 and 9256 entitled: "An Act relating to Education Reform,
Guaranteed Student Entitlement".

IN CITY COUNCIL
APR 21 1994
READ AND PASSED
James Peter Smith
PRES.
Michael L. Clement
CLERK

APPROVED
MAY 2 1994
Vincent A. Cianci
MAYOR

RIDE 001
2/15/94

94-H 9115

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

AN ACT

RELATING TO EDUCATION REFORM:

GUARANTEED STUDENT ENTITLEMENT

94-H 9115

BOARD OF REGENTS
ELEMENTARY AND SECONDARY
EDUCATION

Introduced By: Rep. Crowley, Pires,
Caruolo, Benoit, Ferguson
Date Introduced: February 17, 1994

Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. TITLE. This act shall authorize chapter 76 of title 16 and be known and
2 may be cited as "The Education Reform Act of 1994: A Guaranteed Student Entitlement."

3 SECTION 2. CHAPTER 76. THE EDUCATION REFORM ACT OF 1994: A
4 GUARANTEED STUDENT ENTITLEMENT.

5 16-76-1. LEGISLATIVE FINDINGS AND POLICY. -- The General Assembly finds
6 that there is a need for fundamental and immediate changes to ensure a quality education for all
7 students, for it is a quality education which furthers the state's constitutional duty to provide the
8 people of Rhode Island with the advantages and opportunities of education. A mediocre education
9 produces graduates who are truly disadvantaged by low prospects for success and for whom the
10 opportunities of education are few or nonexistent. The state of Rhode Island must guarantee that
11 all students have opportunity to achieve at high levels and that sufficient resources are made
12 available to each school in the state, regardless of where that school is located. To this end, it is
13 necessary to: a) set statewide student learning goals and student performance standards for what
14 all students should know and be able to do and to assess student performance results; b) support
15 school improvement by ensuring the use of the best practices to support teaching and learning, by
16 providing for increased instructional program decision making at individual schools and by

1 factors which may systematically affect student achievement, such as poverty, gender, racial,
2 ethnic and linguistic background.

3 (2) to establish statewide performance standards for student learning in relation to the
4 statewide learning goals by determining the expected level of performance by students on
5 assessments of achievement of the goals.

6 (3) to develop criteria for the development of local assessment systems and for reporting
7 the results of both the state and local assessments.

8 16-76-2.3. Consistent with the powers and duties conferred by 16-60-7, the department
9 shall be responsible for assisting school committees and school improvement teams in defining
10 district and school goals for student learning, assisting in the design and implementation of local
11 assessment plans, assisting in the development and implementation of district strategic agendas and
12 school improvement plans in addition to its other duties as herein specified or otherwise provided in
13 this title.

14 16-76-2.4. APPROPRIATION. -- In addition to sums elsewhere appropriated, the
15 general assembly hereby appropriates the sum of nine hundred and fifty thousand dollars
16 (\$950,000) for fiscal year 1994-1995 to the department of elementary and secondary education to
17 initiate student learning goals, to set performance standards and to implement the statewide student
18 assessment program as established herein. Such funds shall supplement other state, federal, local
19 and private funds.

20 16-76-3. SCHOOL DECENTRALIZATION, ACCOUNTABILITY, AND
21 IMPROVEMENT: A GUARANTEED STUDENT ENTITLEMENT. -- Because responsive
22 program and instructional decisions are best made by those closest to the learner, the roles and
23 responsibilities of state and local participants, including learners, educators, families, agencies, and
24 business and other community members must be redefined. Schools committed to attaining high
25 performance standards should be given great latitude in developing and implementing their
26 programs. Policies, practices, and resources must support flexibility and diversity in achieving
27 optimal learning for all Rhode Island children. We must develop a learner-centered and results
28 driven system of accountability which acknowledges the school as being ultimately responsible for
29 publicly demonstrating the performance of all its children. We must design a state school approval
30 process which is based upon students' progress toward the student learning goals, which supports
31 local school improvement efforts and which ensures optimal success for all children. Finally, this
32 reform must respect the time and resources needed for real change to occur, and the risk-taking
33 nature of the process.

34 16-76-3.1. SCHOOL IMPROVEMENT TEAMS. ESTABLISHMENT. POWERS
35 AND DUTIES. ROLE OF COMMISSIONER AND DEPARTMENT OF ELEMENTARY AND
36 SECONDARY EDUCATION. -- a) Each school shall have a school improvement team

1 (5) To develop and submit for approval by the superintendent a self-correcting plan if the
2 school does not meet its student performance goals for three (3) years.

3 (6) To implement a school improvement plan developed by the department of elementary
4 and secondary education with the advice of the school committee if the school does not achieve
5 reasonable progress toward the goals set forth in its approved school improvement plan for five (5)
6 years.

7 (c) It shall be the duty of the commissioner of elementary and secondary education to
8 establish and promulgate guidelines, including curriculum frameworks, to guide schools and school
9 districts in 1) developing and implementing their plans; 2) aligning their curriculum, instruction,
10 and assessments to meet state and local student learning goals; and 3) implementing best practices
11 and current research, such as are demonstrated in state initiatives in literacy, mathematics and
12 science, and technology. The department of elementary and secondary education shall provide
13 technical assistance, resources and current research to schools and shall assist districts to establish
14 connections to institutions of higher education and social services agencies when appropriate.

15 (d) The department of elementary and secondary education shall design and support a
16 technology-based data system: 1) to provide educational and administrative information to schools
17 and school districts; and 2) to provide for collecting and processing information for financial and
18 educational accountability at both state and local levels.

19 **Section 16-76-3.2. GENERAL POWERS AND DUTIES OF SCHOOL**

20 **COMMITTEES.** -- (a) The care, custody and control of the public school interests of the several
21 cities and towns shall be vested in the school committees of the several cities and towns. School
22 committees shall have in addition to those enumerated elsewhere in this title the following powers
23 and duties:

24 (1) to adopt educational policies which meet the needs of the community and which ensure
25 the right of every child to achieve a high level of success in schools, including policies for the
26 coordination of access to social services.

27 (2) to adopt and annually revise a district strategic agenda which sets forth student
28 learning goals and the district's plan to attain these goals. The strategic agenda shall be consistent
29 with the student learning goals established by the board of regents for elementary and secondary
30 education, responsive to the several schools' improvement plans and give leadership and support to
31 the schools' plans. The district strategic agenda shall be submitted annually to the department of
32 elementary and secondary education.

33 (3) to adopt policies and practices which encourage and support a school-based approach
34 to decision-making.

35 (4) to adopt policies for the establishment of a school improvement team for each school
36 in the district as hereinbefore provided in section 16-76-3.1, and to delegate, consistent with law,

1 (16) to provide for and assure the implementation of federal and state laws and regulations,
2 and the regulations of the board of regents for elementary and secondary education.

3 (17) to provide for the location, care, custody and control of school facilities and
4 equipment, including capital repairs and improvements.

5 (18) to enter into collective bargaining agreements and to include in such agreements
6 provisions for participation by school personnel on school improvement teams, contractual terms
7 which permit overall flexibility to accommodate changes required by school improvement plans
8 and such other contractual terms and modifications as may be necessary to implement the
9 provisions of school improvement plans.

10 (19) to establish standards for conduct in the schools and for disciplinary actions.

11 (20) to hear appeals from disciplinary actions.

12 (21) to publish and make available a policy manual containing all policies of the school
13 committee.

14 (22) to establish broad policies governing curriculum and textbook selection under the
15 direction of the department of elementary and secondary education.

16 (23) to provide for transportation services which meet or exceed standards of the board of
17 regents for elementary and secondary education.

18 (24) to delegate, consistent with law, such responsibilities to the superintendent and school
19 improvement teams as the committee may deem appropriate.

20 (b) nothing in this section shall be deemed to limit or otherwise interfere with the rights of
21 teachers and other school employees to collectively bargain pursuant to chapters 9.3 and 9.4 of
22 Title 28 or to allow any school committee to abrogate any agreements reached by collective
23 bargaining.

24 (c) the school committees of each city, town or regional school district shall have the
25 power to bind their successors and successor committees by entering into contracts of employment
26 in the exercise of their governmental functions.

27 (d) notwithstanding any provisions of the General Law to the contrary, school committees
28 shall be responsible for maintaining a school budget which does not result in debt.

29 16-76-3.3. GENERAL POWERS AND DUTIES OF SUPERINTENDENT. -- a) The
30 superintendent of schools employed in accordance with the provisions of this chapter shall, under
31 the direction of the school committee, have responsibility for the care, supervision, and
32 management of the public schools. The superintendent shall be the chief executive officer of the
33 school committee and the chief administrative officer of the school district. The superintendent
34 shall have, in addition to those enumerated elsewhere in this title, the following powers and duties:
35 (1) to recommend to the school committee educational policies which meet the needs of the
36 community and which ensure the right of every child to achieve a high level of success in school.

1 based on enrollment and the weighting of students as provided in section 16-76-6 and provide for
2 systemwide expenses and budgeting needs.

3 (11) to select and appoint any deputy superintendents and assistant superintendents and
4 other central office administrators, subject to the advice and consent of the school committee.

5 (12) to select and appoint all other school department personnel, consistent with the school
6 committee's staffing and hiring policies. Members of school improvement teams shall participate
7 in the selection of educational personnel as provided by school committee policy.

8 (13) to provide for the evaluation of all school district personnel.

9 (14) to facilitate the schools' programs of professional development, and to ensure
10 professional development which addresses the district strategic agenda.

11 (15) to implement standards for conduct in the schools and for disciplinary actions.

12 (16) to enter into contracts on behalf of the school committee.

13 (17) to report to the school committee on a regular basis the financial condition of the
14 district and of each of the schools.

15 (18) to be responsible for and report on the schools' and district's conformity with federal
16 and state laws and regulations, the regulations of the board of regents for elementary and
17 secondary education, and the policies of the school committee.

18 b) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of
19 teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of
20 Title 28, or to allow any school superintendent to abrogate any agreement reached by collective
21 bargaining.

22 **16-76-3.4. PERFORMANCE BASED APPROVAL OF SCHOOLS AND RELATED**
23 **STATE INTERVENTION.** -- a) The board of regents shall amend and expand its process for
24 approving schools which is currently based on the "Basic Education Program for Rhode Island
25 Public Schools" regulations. The amended and expanded school approval system shall be based on
26 student progress toward state student learning goals and performance standards for high level
27 achievement by all students using such assessment measures as are developed under the statewide
28 assessment program described in section 16-60-6 and 16-76-2, and including local assessments
29 results. In addition, school approvals will be based upon standards that describe the conditions
30 that must be in place for providing all students a fair opportunity to achieve the knowledge and
31 skills. Both these major parts shall be used as part of the school approvals process.

32 b) Notwithstanding any provisions of § 16-60-4 to the contrary, the commissioner of
33 elementary and secondary education may: 1) implement a state mandated school improvement plan
34 developed with advice from the school committee for a school which does not achieve reasonable
35 progress toward the goals set forth in its approved school improvement plan for five (5) years; and
36 2) appoint at any time a state initiated intervention team to assist a school in which reasonable

1 b) Implement school-based professional development programming as described in school
2 improvement plans.

3 c) Collect and maintain data regarding changes in teacher/administrator performance and
4 student learning resulting from professional development programming to be included in the annual
5 school improvement report.

6 16-76-4.2. SUPERINTENDENT'S RESPONSIBILITIES IN PROFESSIONAL
7 DEVELOPMENT. -- The superintendent shall facilitate and coordinate local programs of
8 professional development as described in school improvement plans.

9 16-76-4.3. The board of regents for elementary and secondary education shall pursuant to
10 its authority under sections 16-11-1 and 16-60-4 (9) (b) adopt performance-based Standards for
11 Teachers and Administrators which will specify the professional knowledge, responsibilities, and
12 performances expected of teachers and administrators to ensure instruction of the highest quality.

13 16-76-4.4. Consistent with the powers and duties conferred upon the commissioner of
14 elementary and secondary education under 16-60-6, it shall be the duty of the commissioner:

15 (1) to design a comprehensive system of professional development for all educational
16 personnel in the state which focuses on research-based improvements in curriculum and
17 instruction, reflects best practices in professional development programming and is linked to
18 performance-based standards for teachers and administrators. Such system shall set general
19 criteria to be met by each school improvement team in developing the professional development
20 component of each school improvement plan.

21 (2) to identify and establish effective models for mentoring programs and to require that
22 one such effective model be implemented for all beginning teachers in each public elementary and
23 secondary school in the state.

24 16-76-4.5. TOWN SCHOOLS REQUIRED SCHOOL YEAR - LOCATION -
25 KINDERGARTENS. -- (a) consistent with 16-2-2 and except as herein otherwise specifically
26 provided, every town shall establish and maintain a sufficient number of schools in convenient
27 places under the control and management of the school committee and under the supervision of the
28 board of regents for elementary and secondary education. In lieu of convenient location the school
29 committee may provide transportation for pupils to and from school in accordance with the
30 provisions of chapter 21 of this title.

31 Such schools shall be established and maintained for at least one hundred eighty (180)
32 days annually exclusive of holidays. Commencing with 1994-1995, the school year shall be
33 increased by thirty-five (35) hours annually, of which one hundred and eighty (180) days shall be
34 devoted exclusively to student instruction and not less than 35 hours shall be devoted to
35 participation by professional staff in a program of professional development which is linked to

1 support, psychological counseling, mental health support, parenting and parent outreach, adult
2 education, recreation, day care, extended day pre-kindergarten and kindergarten programs, and
3 substance abuse prevention services.

4 b) The school committee is responsible for determining which services should be
5 integrated and how the integration shall best be achieved in order to attain district strategic goals.

6 c) The responsibility of the department of elementary and secondary education, in
7 consultation with the Children's Cabinet, is to provide technical assistance and support to local
8 school districts by identifying appropriate cost effective and comprehensive integrated service
9 delivery models, resources, obstacles, incentives, policies, and regulations.

10 d) School districts must provide all students and their families with access to child
11 opportunity zones and demonstrate that such access is provided in the district's strategic agenda
12 and all school improvement plans.

13 16-76-5.2. APPROPRIATION. -- In addition to funds otherwise appropriated, the
14 general assembly shall appropriate seventy thousand dollars (\$70,000) to the department of
15 elementary and secondary education for fiscal year 1995 to identify integrated service delivery
16 models and resources, and conduct all activities as provided for in 16-76-5.1(c). Such funds shall
17 supplement other state, federal, local and private funds.

18 16-76-6. FINANCE: A GUARANTEED STUDENT ENTITLEMENT. -- In keeping
19 with the new focus on equal results as the definition of equity, the financing of education must
20 ensure that all students perform at high levels. Equity means all children shall have the same
21 educational opportunities and shall all reach high levels of student performance. The state must
22 implement a funding system to support a student's guaranteed entitlement to success. The system
23 must be based on meeting student needs. The funding program will establish the cost of education
24 based on the most productive programs currently in place in Rhode Island; provide additional
25 money for students with special needs; and determine the amount that each community will
26 contribute through a statewide local property tax rate for education set by the General Assembly.

27 16-76-6.1. DEFINITIONS -- The following words and phrases used in this chapter shall
28 have the following meanings:

29 a) "guaranteed student entitlement" shall mean a level of financial resources, which the
30 state is committed to provide, for each student enrolled in public elementary and secondary schools
31 in the state of Rhode Island.

32 b) "core costs" shall mean the expense of providing the various components of a basic
33 quality educational program for all students, as determined annually by the commissioner of
34 elementary and secondary education and as approved by the board of regents for elementary and
35 secondary education. Core costs shall include, but not be limited to, prevailing instructional costs.

1 l) "limited english proficient student" shall mean any student eligible for special services
2 pursuant to R.I.G.L. 16-54-1 et seq. and the regulations promulgated by the board of regents for
3 elementary and secondary education pursuant to section 16-54-3.

4 m) "economically disadvantaged student" shall mean any student eligible for free or
5 reduced-price lunches under the national school lunch program. 42 USC 1751 et seq.

6 n) "gifted and talented student" shall mean any student enrolled in a program for gifted
7 and talented students approved by the commissioner of elementary and secondary education
8 pursuant to R.I.G.L. 16-42-1 et. seq. and regulations promulgated by the board of regents for
9 elementary and secondary education under section 16-42-2.

10 16-76-6.2. DETERMINATION OF GUARANTEED STUDENT ENTITLEMENT. --

11 a) On or before December 15 of each year, the board of regents for elementary and secondary
12 education shall certify to the Governor a per-student guaranteed student entitlement and each
13 community's guaranteed student entitlement using enrollment data as of October 1 of the preceding
14 year. Such certification shall also be made to the General Assembly on or before January 15 of
15 each year. The guaranteed student entitlement shall be based on the CORE COSTS of educating
16 each student, together with those additional instructional costs (hereinafter "WEIGHTS") incurred
17 in educating special education, vocational, limited English proficient, economically disadvantaged
18 and gifted and talented students.

19 b) In determining the guaranteed student entitlement, its component core costs and
20 instructional costs, the commissioner shall benchmark costs at the level of school districts in this
21 state which have successful educational programs and practices. In developing core costs and
22 weighted costs, the commissioner must identify least cost options for districts to provide services.
23 Such options may include, but not be limited to, exchange programs among districts, use of
24 regional collaboratives, and use of technology. He or she shall consult with and review the
25 recommendations of the members of a "guaranteed student entitlement advisory commission" to be
26 established at least once in every three years, in order to conduct a comprehensive review and
27 analysis of program cost data. The commissioner shall report annually to the General Assembly on
28 the procedures followed and his calculations of core costs and instructional costs in certifying the
29 guaranteed student entitlement. The board of regents for elementary and secondary education may
30 promulgate such regulations as are necessary to implement the provisions of this section.

31 c) Community's guaranteed student entitlement. (1) The commissioner shall multiply the
32 enrollment of the community times the core costs. (2) For each vocational, limited English
33 proficient and economically disadvantaged student the commissioner shall add a weight as provided
34 for in 16-76-6.1(i). (3) For special education students, the commissioner shall multiply the total
35 enrollment of the community times .14. This product shall then be multiplied by a weight as
36 provided for in 16-76-6.1(i). (4) For gifted and talented students, the commissioner shall multiply

1 c) The local contribution of any community including in its enrollment those students
2 whose entire guaranteed student entitlement is paid by the state pursuant to the provisions of § 16-
3 76-6.7 (b) and (c) shall be reduced by the sum of core costs plus a weight of 1.0 multiplied by the
4 number of such students enrolled in the district.

5 16-76-6.5. CERTIFICATION BY DEPARTMENT OF ADMINISTRATION. On or
6 before April 1st of each year the department of administration shall determine and certify to the
7 commissioner the assessed valuation for each city and town in the state as of the latest December
8 31st for which such information is available, adjusted to the true and market value thereof, for
9 computation of the local contribution under section 16-76-6.4.

10 16-76-6.6. STATE FUNDING OF THE GUARANTEED STUDENT ENTITLEMENT.
11 MINIMUM STATE SHARE FOR FISCAL 1995. -- The General Assembly shall annually
12 appropriate such sums as are necessary to fund the guaranteed student entitlement for all
13 communities, reduced by the local contribution set forth in section 16-76-6.4. The General
14 Assembly shall appropriate the full amount of the guaranteed student entitlement for those students
15 described in 16-76-6.7. For fiscal year 1995 the general assembly shall appropriate for each
16 community such additional sums as are necessary to increase the state share of the guaranteed
17 student entitlement to the amount of state aid projected for that community for fiscal 1995 under
18 the provisions of former law governing state education aid, assuming state funding at a level of
19 \$330,491,495.00.

20 16-76-6.7. STATE PAYMENT OF THE ENTIRE GUARANTEED STUDENT
21 ENTITLEMENT. -- a) the state shall pay for the entire amount of the guaranteed student
22 entitlement for those students residing in the city of Central Falls, based on the calculation of core
23 costs and weights provided in § 16-76-6.2.

24 b) the state shall fund the entire amount of the guaranteed student entitlement for students
25 who are placed by the department for children, youth, and their families in a group home,
26 community residence, or other child caring facility;

27 c) the state shall fund the entire amount of the guaranteed student entitlement for students
28 who reside in conventional public housing or on property owned by the Solid Waste Management
29 Corporation. For each student described in subsection (b) and (c) the guaranteed student
30 entitlement shall be the sum of core costs plus a weight of one (1.0). As used herein, conventional
31 public housing shall mean those properties identified as eligible low rent housing projects under
32 Title I of P.L. 81-874, 20 USC §236 et seq.

33 16-76-6.8. ADDITIONAL LOCAL APPROPRIATION FOR EDUCATION -- a)
34 Except as provided in subsections (a) and (b) a community may not appropriate sums for education
35 in excess of the local contribution set forth in 16-76-6.4 or spend sums for education in excess of
36 the community's guaranteed student entitlement; except that a community may vote to increase its

1 16-76-6.13. STUDY OF PROPERTY TAX STRUCTURE. -- The department of
2 administration shall review the results of the Comprehensive Tax Report authorized by P.L. 1992,
3 chapter 133, article 88. The findings of the report shall be presented for consideration to identify
4 sources of revenue for enactment of the guaranteed student entitlement finance provisions.

5 16-76-6.14. SEVERABILITY. -- If any provision of this chapter or of any rule or
6 regulation made thereunder, or the application thereof to any person or circumstance, is held
7 invalid by a court of competent jurisdiction, the remainder of the chapter, rule or regulation and the
8 application of that provision to other persons or circumstances shall not be affected thereby. The
9 invalidity of any section or sections shall not affect the validity of the remainder of the chapter.

10 16-76-6.15. Notwithstanding any provisions to the contrary in 16-2-18 and 16-9-1,
11 control of school expenses and receipt and payment of school funds shall be as follows:

12 (1) The superintendent of schools shall draw all orders for the payment of school expenses;
13 provided, however, that these expenses shall not in any fiscal year exceed the total of all revenue
14 appropriated by the state or town or otherwise for the public schools. If, in any fiscal year a
15 school committee is notified that estimated expenses may exceed total available appropriations, the
16 school committee shall adopt and implement a plan to maintain a balanced school budget, which
17 plan shall provide for continuous regular public school operations consistent with the requirements
18 of § 16-2-2; provided further, however, that in no fiscal year shall a deficit be permitted for
19 school operations.

20 (2) The town treasurer shall receive the money due the town from the state for public
21 schools, and shall keep a separate accounting of all money appropriated by the state or town or
22 otherwise for public schools in the town, and shall pay the same to the order of the superintendent;
23 provided, however, that school expenditures, encumbrances and accruals shall not, in any fiscal
24 year, exceed the total revenue appropriated for public schools in the town. Should the town
25 treasurer, finance director, or other charter officer charged with general responsibility for town
26 finances, or the school financial officer estimate that actual public school expenditures,
27 encumbrances, and accruals may exceed the total revenue appropriated for such expenditures in
28 any fiscal year, the school committee, the superintendent of schools, and chief elected officials of
29 the town shall be notified. Purchase orders or financial commitments shall not be authorized even
30 on the order of the superintendent unless it can be proven that there will not be an excess of
31 expenditures, encumbrances and accruals over revenues. Nothing contained herein shall be
32 construed so as to prohibit a school committee from negotiating and contracting with school
33 employees and teachers for services to be rendered in the ensuing fiscal years pursuant to chapters
34 9.3 and 9.4 of title 28.

35 SECTION 3. APPROPRIATION. -- In addition to sums elsewhere appropriated, the
36 general assembly shall appropriate five hundred thousand dollars (\$500,000) to the department of