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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representatives Mattiello, and Newberry

Date Introduced: February 27, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-21 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-21. Powers of agents of society for prevention of cruelty to animals. --** The
4 general agent of the Rhode Island society for the prevention of cruelty to animals and any number
5 of special agents as may be appointed by that society have the same power and authority to arrest
6 as any officer authorized to serve criminal process for the purpose of enforcing any of the laws of
7 this state in relation to cruelty to animals, that power and authority to extend throughout the state,
8 and they may serve any search warrant issued under § 4-1-19 and may search any building or
9 place named in that warrant. A general agent and any special agents may, for the purpose of
10 carrying out their duties, possess and carry pistols as defined in § 11-47-2, and the provisions of §
11 ~~11-47-5~~ 11-47-8 shall not apply to them. Any person who interferes with or obstructs any of those
12 agents in the discharge of their duty shall be guilty of obstructing an officer and punished as
13 provided in § 11-32-1.

14 SECTION 2. Section 7-13-48 of the General Laws in Chapter 7-13 entitled "Limited
15 Partnerships" is hereby amended to read as follows:

16 **7-13-48. Applicable law. --** Subject to the constitution of this state:

17 (1) The laws of the state under which a foreign limited partnership is organized govern its
18 organization and internal affairs and the liability of its limited partners, except as to foreign
19 limited liability ~~limited~~ partnerships, which shall be treated as if they were foreign limited

1 partnerships;

2 (2) A foreign limited partnership may not be denied registration by reason of any
3 difference between those laws and the laws of this state; and

4 (3) A certificate of registration does not authorize a foreign limited partnership to engage
5 in any business or exercise any power that a limited partnership may not engage in or exercise in
6 this state.

7 SECTION 3. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"
8 is hereby amended to read as follows:

9 **11-47-9. Persons exempt from restrictions.** -- (a) The provisions of § 11-47-8 shall not
10 apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, members of
11 the Rhode Island airport police department, members of the Rhode Island state marshals, Rhode
12 Island state fire marshal, chief deputy state fire marshals, deputy state fire marshals assigned to
13 the bomb squad, and those assigned to the investigation unit, correctional officers, ~~all~~ within the
14 department of corrections, members of the city or town police force, capitol police investigators
15 of the department of attorney general appointed pursuant to § 42-9-8.1, the witness protection
16 coordinator for the witness protection review board as set forth in chapter 30 of title 12 and
17 subject to the minimum qualifications of § 42-9-8.1, the director, assistant director, investigators
18 of the department of public safety Workers' Compensation Investigations unit pursuant to § 42-
19 7.3-3.1 and automobile theft investigators of the Rhode Island state police pursuant to § 31-50-1,
20 railroad police while traveling to and from official assignments or while on assignments,
21 conservation officers, or other duly appointed law enforcement officers, nor to members of the
22 Army, Navy, Air Force, and Marine Corps of the United States, the National Guard, or organized
23 reserves, when on duty, nor to members of organizations by law authorized to purchase or receive
24 firearms from the United States or this state, provided these members are at or going to or from
25 their places of assembly or target practice, nor to officers or employees of the United States
26 authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator
27 carrying sidearms or a concealed firearm in the performance of his or her official duties under the
28 authority of the commanding officer of the military establishment in the state of Rhode Island
29 where he or she is employed by the United States, nor to any civilian guard carrying sidearms or a
30 concealed firearm in the performance of his or her official duties under the authority of the
31 adjutant general where he or she is employed guarding a national guard facility, provided, that the
32 commanding officer of the military establishment shall have on file with the attorney general of
33 this state a list of the names and addresses of all civilian guards and criminal investigators so
34 authorized, nor to duly authorized military organizations when on duty, nor to members when at

1 or going to or from their customary places of assembly, nor to any individual employed in the
2 capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or
3 investigator at any project owned or operated by a municipal detention facility corporation,
4 including the Donald W. Wyatt Detention Facility, nor to the regular and/or ordinary
5 transportation of pistols or revolvers as merchandise, nor to any person while transporting a
6 pistol, or revolvers, unloaded from the place of purchase to their residence, or place of business,
7 from their residence to their place of business or from their place of business to their residence, or
8 to a Federal Firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or
9 firearms repair facility, to any police station or other location designated as a site of a bona fide
10 "gun buy-back" program but only if said pistol or revolver is unloaded and any ammunition for
11 said pistol or revolver is not readily or directly accessible from the passenger compartment of
12 such vehicle while transporting same and further provided that in the case of a vehicle without a
13 compartment separate from the passenger compartment the firearm or the ammunition shall be
14 stored in a locked container.

15 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
16 shall have the right to carry concealed firearms everywhere within this state; provided, that this
17 shall not be construed as giving the right to carry concealed firearms to a person transporting
18 firearms as merchandise or as household or business goods.

19 SECTION 4. Section 23-4.11-3.1 of the General Laws in Chapter 23-4.11 entitled
20 "Rights of the Terminally Ill Act" is hereby amended to read as follows:

21 **23-4.11-3.1. Medical Orders for Life Sustaining Treatment.** -- (a) The department of
22 health shall establish rules and regulations, consistent with the provisions of this section, for the
23 establishment of Medical Orders for Life Sustaining Treatment and the structure and content of
24 Medical Orders for Life Sustaining Treatment forms.

25 (b)(1) A declaration by a qualified patient may be recorded as a medical order for life-
26 sustaining treatment provided that:

27 (i) The medical orders for life-sustaining treatment and medical intervention and
28 procedures are explained by a MOLST qualified health care provider to the qualified patient or
29 health care decision maker. The MOLST qualified health care provider shall further inform the
30 patient of the difference between an advance health care directive and MOLST medical order;

31 (ii) A MOLST qualified health care provider has conducted an evaluation of the qualified
32 patient; and

33 (iii) A MOLST form documenting the declaration has been completed by a MOLST
34 qualified health care provider based on qualified patient preferences and medical appropriateness,

1 and has been signed by a MOLST qualified health care provider and the qualified patient or his or
2 her recognized health care decision maker.

3 (2) A health care decision maker may execute the MOLST form if the qualified patient
4 lacks capacity, or if the qualified patient has designated that the health care decision maker's
5 authority is valid.

6 (3) A request regarding resuscitative measures may also be evidenced by the words "do
7 not resuscitate" or the letters "DNR," in a qualified patient's medical record and/or through a
8 mechanism established by the department of health consistent with the provisions of chapter 23-
9 4.11.

10 (c)(1) A health care provider shall treat a qualified patient in accordance with the
11 qualified patient's MOLST, subject to the provisions of this chapter.

12 (2) A MOLST qualified health care provider may conduct an evaluation of the qualified
13 patient and if necessary, in consultation with the qualified patient or recognized health care
14 decision maker, issue a new MOLST consistent with the most current information available about
15 the qualified patient's health status and care preferences.

16 (3) The recognized health care decision maker of a qualified patient who is without
17 capacity shall consult with the MOLST qualified health care provider prior to making a
18 request to modify ~~that a~~ the qualified patient's MOLST.

19 (d)(1) MOLST Form. A MOLST shall be documented on an easily identifiable form
20 approved by the director. The director shall promulgate rules and regulations for the
21 implementation of this section.

22 (2) The MOLST form shall be signed by the qualified patient or the qualified patient's
23 recognized health care decision maker, and a MOLST qualified health care provider.

24 (3) The MOLST form shall contain all other information as required by this section.

25 (e)(1) A MOLST shall apply regardless of whether the qualified patient executes the
26 MOLST form within or outside a hospital or other health care setting.

27 (2) The MOLST form is valid within or outside a hospital or other health care setting.

28 (f)(1) Revocation. A qualified patient or his/her recognized health care decision maker
29 may, at any time, revoke in any manner that communicates an intent to revoke his/her declaration
30 by informing the MOLST qualified health care providers, other health care providers, or any
31 member of the medical or nursing staff of the revocation of the declaration concerning life-
32 sustaining or resuscitative measures.

33 (2) Any member of the medical or nursing staff informed of a revocation shall
34 immediately notify a MOLST qualified health care provider of the revocation.

1 (3) The MOLST qualified health care provider informed of a revocation of MOLST made
2 pursuant to this section shall immediately:

3 (i) Record the revocation in the qualified patient's medical record;

4 (ii) Cancel any orders implementing the decision to withhold or withdraw treatment; and

5 (iii) Notify the health care providers and staff directly responsible for the qualified
6 patient's care of the revocation and any cancellations.

7 (4) If a decision to withhold or withdraw life-sustaining treatment has been made by a
8 recognized health care decision maker pursuant to this section, and the MOLST qualified health
9 care provider determines at any time that the decision is no longer appropriate or authorized
10 because the qualified patient has regained decision-making capacity or because the qualified
11 patient's condition has otherwise improved, the MOLST qualified health care provider shall
12 immediately:

13 (i) Include such determination in the qualified patient's medical record;

14 (ii) Cancel any orders or plans of care implementing the decision to withhold or withdraw
15 life-sustaining treatment;

16 (iii) Notify the health care decision maker who made the decision to withhold or
17 withdraw treatment; and

18 (iv) Notify the other health care providers, including the medical and nursing staff
19 directly responsible for the qualified patient's care, of any cancelled MOLST orders or plans of
20 care.

21 (g) If a qualified patient with a MOLST order is transferred from a hospital, a licensed
22 health facility, or the community, the MOLST order or plan shall remain effective until a MOLST
23 qualified health care provider first examines the transferred qualified patient, whereupon a
24 MOLST qualified health care provider shall issue appropriate orders to continue the prior order or
25 plan. Such orders may be issued without obtaining another consent to withhold or withdraw life-
26 sustaining treatment pursuant to this chapter.

27 (h) The MOLST is a voluntary option for qualified patients. No patient is required to
28 elect a MOLST.

29 SECTION 5. Section 42-12-19 of the General Laws in Chapter 42-12 entitled
30 "Department of Human Services" is hereby amended to read as follows:

31 **42-12-19. Permanent advisory commission on traumatic brain injuries –**

32 **Commission established.** – (a) There is hereby established a permanent advisory commission on
33 traumatic brain injuries.

34 (b) The purpose of the commission shall be to:

1 (1) Report on all matters relating to traumatic brain injury in Rhode Island to the
2 governor and the general assembly.

3 (2) Advise the department of human services, [the department of behavioral healthcare,](#)
4 [developmental disabilities and hospitals](#) ~~the department of mental health, retardation and~~
5 ~~hospitals~~, and the department of health regarding the development of priorities and criteria for
6 disbursement of moneys in response to both individual requests and grant-seeking entities from
7 the traumatic brain injury fund. Such priorities and criteria shall be in accordance with the
8 expenditure guidelines set forth in § 42-12-28 of this chapter.

9 (3) Advise the department of human services, [the department of behavioral healthcare,](#)
10 [developmental disabilities and hospitals](#) ~~the department of mental health, retardation and~~
11 ~~hospitals~~, and the department of health on all matters regarding traumatic brain injury.

12 (c) The commission shall consist of nineteen (19) members. They shall meet not less than
13 four (4) times a year and report their findings annually to the governor and general assembly. The
14 members of the commission shall serve without compensation. The commissioners shall elect
15 their own officers on a biennial basis.

16 (d) The membership of the commission shall be as follows: the director of the [department](#)
17 [of behavioral healthcare, developmental disabilities and hospitals](#) ~~department of mental health,~~
18 ~~retardation and hospitals~~ or his or her designee; the director of the department of health or his or
19 her designee; the director of the department of human services or his or her designee; the director
20 of the department of education or his or her designee, all of whom shall serve ex-officio; the chief
21 of neurosurgery at Rhode Island Hospital or his or her designee; the president and executive
22 director or two (2) designees of the Brain Injury Association of Rhode Island; the director of the
23 Rhode Island Disability Law Center or his or her designee; the governor or his or her designee;
24 and ten (10) persons appointed by the governor as follows: two (2) persons who are unrelated,
25 one of whom must have a traumatic brain injury, and one of whom may be an immediate family
26 member of an individual with a traumatic brain injury; one person who is a neurologist; one
27 person who is a ~~psychiatrist~~ [physiatrist](#); one person who is a neuropsychologist; one person who
28 is a cognitive rehabilitation specialist; one of whom is a traumatic brain injury case manager; one
29 of whom is a physical therapist or occupational therapist; one of whom is a representative of a
30 post-acute rehabilitation facility; and one person who is a community-based service provider.

31 (e) The first meeting of the members of the commission shall be called to order by the
32 governor or his or her designee within ninety (90) days of the effective date of this act [July 7,
33 2006]. Of the ten (10) members appointed by the governor, three (3) shall serve a term of one
34 year, three (3) shall serve a term of two (2) years, and four (4) shall serve a term of three (3)

1 years. Upon expiration of the initial term, commission members shall serve terms of three (3)
2 years. The initial terms of commission members shall be determined by lot.

3 SECTION 6. Section 42-61.2-2.2 of the General Laws in Chapter 42-61.2 entitled "Video
4 Lottery Terminal" is hereby amended to read as follows:

5 **42-61.2-2.2. State authorized to operate casino gaming at Newport Grand.** – (a)

6 State-operated casino gaming shall be authorized at the facility of the licensed video
7 lottery terminal retailer known as "Newport Grand" located in the town of Newport; provided,
8 that the requirements of Article VI, Section 22 of the Rhode Island Constitution are met with
9 respect to said facility at the general election next held after enactment of this section.

10 ~~(b)~~ With respect to the Newport Grand facility, the authorization of this section 2.2
11 shall be effective upon:

12 ~~(1)~~ The certification by the secretary of state that the qualified voters of the state have
13 approved the expansion of gambling at such facility to include casino gaming; and

14 ~~(2)~~ The certification by the board of canvassers of the city of Newport that the
15 qualified electors of the city of Newport have approved the expansion of gambling at such facility
16 to include casino gaming.

17 ~~(c)~~ The general assembly finds that:

18 ~~(1)~~ The operation of casino gaming at Newport Grand will play a critical role in the
19 economy of the state and enhance local revenues;

20 (2) Pursuant to Article VI, Section 15 of the Rhode Island Constitution and the specific
21 powers, authorities and safeguards set forth in subsection (c) herein in connection with the
22 operation of casino gaming, the state shall have full operational control over the specified
23 location at which casino gaming shall be conducted;

24 (3) It is in the best interest of the state to have the authorization to operate casino gaming
25 as specified at Newport Grand; ~~and~~

26 (4) Pursuant to the provisions of subdivision 42-61.2-2.1(b)(4), and by action of the
27 governor, an extensive analysis and evaluation of competitive casino-gaming operations was
28 completed, which concluded that the viability of Newport Grand as a video lottery terminal
29 facility is threatened by the location of casino gaming in Southeast Massachusetts; ~~and~~

30 (5) The legislature shall, by enactment of comprehensive legislation during the 2012
31 session, determine the terms and conditions pursuant to which casino gaming would be operated
32 in the state if it is authorized as set forth herein.

33 ~~(d)~~ Notwithstanding the provisions of any other law and pursuant to Article VI,
34 Section 15 of the Rhode Island Constitution, the state is authorized to operate, conduct and

1 control casino gaming at Newport Grand subject to subsection (a) above. In furtherance thereof,
2 the state, through the division of state lottery and/or the department of business regulation, shall
3 have full operational control to operate the foregoing facilities, the authority to make all decisions
4 about all aspects of the functioning of the business enterprise, including, without limitation, the
5 power and authority to:

6 (1) Determine the number, type, placement and arrangement of casino-gaming games,
7 tables and sites within the facility;

8 (2) Establish with respect to casino gaming one or more systems for linking, tracking,
9 deposit and reporting of receipts, audits, annual reports, prohibitive conduct and other such
10 matters determined from time to time;

11 (3) Collect all receipts from casino gaming, require that Newport Grand collect casino-
12 gaming gross receipts in trust for the state through the division of state lottery, deposit such
13 receipts into an account or accounts of its choice, allocate such receipts according to law, and
14 otherwise maintain custody and control over all casino-gaming receipts and funds;

15 (4) Hold and exercise sufficient powers over Newport Grand's accounting and finances to
16 allow for adequate oversight and verification of the financial aspects of casino gaming at the
17 facility, including, without limitation:

18 (i) The right to require Newport Grand to maintain an annual balance sheet, profit and
19 loss, and any other necessary information or reports; and

20 (ii) The authority and power to conduct periodic compliance or special or focused audits
21 of the information or reports provided, as well as the premises with the facility containing records
22 of casino gaming or in which the business of Newport Grand's casino-gaming operations are
23 conducted;

24 (5) Monitor all casino-gaming operations and have the power to terminate or suspend any
25 casino-gaming activities in the event of an integrity concern or other threat to the public trust, and
26 in furtherance thereof, require the licensed video lottery retailer to provide a specified area or
27 areas from which to conduct such monitoring activities;

28 (6) Define and limit the rules of play and odds of authorized casino-gaming games,
29 including, without limitation, the minimum and maximum wagers for each casino-gaming game;

30 (7) Have approval rights over matters relating to the employment of individuals to be
31 involved, directly or indirectly, with the operation of casino gaming at Newport Grand;

32 (8) Establish compulsive gambling treatment programs;

33 (9) Promulgate, or propose for promulgation, any legislative, interpretive and procedural
34 rules necessary for the successful implementation, administration and enforcement of this

1 chapter; and

2 (10) Hold all other powers necessary and proper to fully effectively execute and
3 administer the provisions of this chapter for its purpose of allowing the state to operate a casino-
4 gaming facility through a licensed video lottery retailer hosting said casino gaming on behalf of
5 the state of Rhode Island.

6 ~~(e)~~(e) Subject to subsection (a) above, the state, through the division of state lottery
7 and/or the department of business regulation, may expand Newport Grand's existing video lottery
8 license issued, or issue Newport Grand a new casino-gaming license, to permit casino gaming to
9 the extent authorized by this act.

10 ~~(f)~~(f) Subject to subsection (a) above, all rules and regulations shall be promulgated by
11 the state, through the division of state lottery and the department of business regulation, in
12 accordance with the authority conferred upon the general assembly pursuant to Article VI,
13 Section 15 of the Rhode Island Constitution. In accord therewith, subject to subsection (a) above,
14 the state, through the division of state lottery and/or the department of business regulation, shall
15 have authority to issue such regulations as it deems appropriate pertaining to control, operation
16 and management of casino gaming as specifically set forth in subsections (b), ~~and~~ (c) and (d).

17 Section 2. Nothing in this act shall abrogate or diminish the powers of the state, through
18 the division of state lottery and/or the department of business regulation, to conduct and control
19 video lottery terminals pursuant to chapter 42-61.2 of the general laws.

20 Section 3. Pursuant to Article VI, section 22 of the Rhode Island ~~constitution~~
21 Constitution, the following question shall be submitted by the secretary of state to the qualified
22 electors of the state at the next statewide general election, and the secretary of state shall certify
23 the election results:

24 Shall an act be approved which would authorize the facility known as "Newport Grand"
25 in the city of Newport to add state-operated casino gaming, such as table games, to the types of
26 gambling it offers?"

27 Section 4. Pursuant to Article VI, section 22 of the Rhode Island ~~constitution~~
28 Constitution, the following question shall be submitted by the local board of canvassers to the
29 qualified electors of the city of Newport at the next statewide general election, and the results
30 thereof shall be certified to the secretary of state:

31 "Shall an act be approved which would authorize the facility known as "Newport Grand"
32 in the city of Newport to add state-operated casino gaming, such as table games, to the types of
33 gambling it offers?"

34 Section 5. Unless otherwise amended by this act, the terms, conditions, provisions, and

1 definitions of chapters 322 and 323 of the public laws of 2005 and chapter 16 of the public laws
2 of 2010 are hereby incorporated herein by reference and shall remain in full force and effect.

3 Section 6. The said question to be submitted to the qualified electors relating to Newport
4 Grand, as well as that question to be submitted to the qualified electors pursuant to article 25 of
5 chapter 151 of the 2011 public laws relating to Twin River shall appear on the ballots as the first
6 two (2) referendum question.

7 SECTION 7. Section 4-26-5 of the General Laws in Chapter 4-26 entitled "The Rhode
8 Island Livestock Welfare and Care Standards Advisory Council Act of 2012" is hereby amended
9 to read as follows:

10 **4-26-5. Duties of the council.** -- The council shall support and work collaboratively with
11 the department as follows:

12 (1) Review and evaluate laws and rules of the state applicable to the care and handling of
13 livestock as defined in ~~subsection~~ subdivision 4-26-3~~(e)~~ (7) including, but not limited to:

- 14 (i) The overall health and welfare of livestock species;
15 (ii) Agricultural operation best management practices;
16 (iii) Biosecurity and disease prevention;
17 (iv) Humane transport and slaughter practices; and
18 (v) Any other matters the council considers necessary for the proper care and well being
19 of livestock animals in the state.

20 (2) Respond to requests from the legislature for information and comments on proposed
21 legislation;

22 (3) Issue recommendations necessary to achieve these goals;

23 (4) Submit policy recommendations to the director and general assembly on any of the
24 subject matter set forth under subdivision (ii) of this subsection.

25 SECTION 8. Section 15-3.1-10 of the General Laws in Chapter 15-3.1 entitled "Civil
26 Unions" is hereby amended to read as follows:

27 **15-3.1-10. Requirement of department of health - Civil unions.** -- ~~(a)~~ The department
28 of health, office of vital statistics shall draft and distribute applications for civil unions to every
29 town and city within the state.

30 SECTION 9. Section 15-5-16 of the General Laws in Chapter 15-5 entitled "Divorce and
31 Separation" is hereby amended to read as follows:

32 **15-5-16. Alimony and counsel fees - Custody of children.** -- (a) In granting any petition
33 for divorce, divorce from bed and board, or relief without the commencement of divorce
34 proceedings, the family court may order either of the parties to pay alimony or counsel fees, or

1 both, to the other.

2 (b) (1) In determining the amount of alimony or counsel fees, if any, to be paid, the court,
3 after hearing the witnesses, if any, of each party, shall consider:

4 (i) The length of the marriage;

5 (ii) The conduct of the parties during the marriage;

6 (iii) The health, age, station, occupation, amount and source of income, vocational skills,
7 and employability of the parties; and

8 (iv) The state and the liabilities and needs of each of the parties.

9 (2) In addition, the court shall consider:

10 (i) The extent to which either party is unable to support herself or himself adequately
11 because that party is the primary physical custodian of a child whose age, condition, or
12 circumstances make it appropriate that the parent not seek employment outside the home, or seek
13 only part-time or flexible-hour employment outside the home;

14 (ii) The extent to which either party is unable to support herself or himself adequately
15 with consideration given to:

16 (A) The extent to which a party was absent from employment while fulfilling
17 homemaking responsibilities, and the extent to which any education, skills, or experience of that
18 party have become outmoded and his or her earning capacity diminished;

19 (B) The time and expense required for the supported spouse to acquire the appropriate
20 education or training to develop marketable skills and find appropriate employment;

21 (C) The probability, given a party's age and skills, of completing education or training
22 and becoming self-supporting;

23 (D) The standard of living during the marriage;

24 (E) The opportunity of either party for future acquisition of capital assets and income;

25 (F) The ability to pay of the supporting spouse, taking into account the supporting
26 spouse's earning capacity, earned and unearned income, assets, debts, and standard of living;

27 (G) Any other factor which the court expressly finds to be just and proper.

28 (c) (1) For the purposes of this section, "alimony" is construed as payments for the
29 support or maintenance of either the husband or the wife.

30 (2) Alimony is designed to provide support for a spouse for a reasonable length of time to
31 enable the recipient to become financially independent and self-sufficient. However, the court
32 may award alimony for an indefinite period of time when it is appropriate in the discretion of the
33 court based upon the factors set forth in subdivision (b)(2)(ii)(B). After a decree for alimony has
34 been entered, the court may from time to time upon the petition of either party review and alter its

1 decree relative to the amount and payment of the alimony, and may make any decree relative to it
2 which it might have made in the original suit. The decree may be made retroactive in the court's
3 discretion to the date that the court finds that a substantial change in circumstances has occurred;
4 provided, the court shall set forth in its decision the specific findings of fact which show a
5 substantial change in circumstances and upon which findings of facts the court has decided to
6 make the decree retroactive. Nothing provided in this section shall affect the power of the court as
7 subsequently provided by law to alter, amend, or annul any order of alimony previously entered.
8 Upon the remarriage of the spouse who is receiving alimony, the obligation to pay alimony shall
9 automatically terminate at once.

10 (d) (1) In regulating the custody of the children, the court shall provide for the reasonable
11 right of visitation by the natural parent not having custody of the children, except upon the
12 showing of cause why the right should not be granted. The court shall mandate compliance with
13 its order by both the custodial parent and the children. In the event of noncompliance, the
14 noncustodial parent may file a motion for contempt in family court. Upon a finding by the court
15 that its order for visitation has not been complied with, the court shall exercise its discretion in
16 providing a remedy, and define the noncustodial parent's visitation in detail. However, if a second
17 finding of noncompliance by the court is made, the court shall consider this to be grounds for a
18 change of custody to the noncustodial parent.

19 (2) In regulating the custody and determining the best interests of children, the fact that a
20 parent is receiving public assistance shall not be a factor in awarding custody.

21 (3) A judicial determination that the child has been physically or sexually abused by the
22 natural parent shall constitute sufficient cause to deny the right of visitation. However, when the
23 court enters an order denying visitation under this section, it shall review the case at least
24 annually to determine what, if any, action the parent has taken to rehabilitate himself or herself
25 and whether the denial of visitation continues to be in the child's best interests.

26 (4) The court may order a natural parent who has been denied the right of visitation due
27 to physical or sexual abuse of his or her child to engage in counseling. The failure of the parent to
28 engage in counseling, ordered by the court pursuant to this section, shall constitute sufficient
29 cause to deny visitation.

30 (e) In all hearings regarding denial of visitation, the court shall make findings of fact.

31 (f) This chapter does not affect the right of the family court to award alimony or support
32 pendente lite.

33 (g) (1) Notwithstanding the provisions of this section and § 15-5-19, the court, when
34 making decisions regarding child custody and visitation, shall consider evidence of past or

1 present domestic violence. Where domestic violence is proven, any grant of visitation shall be
2 arranged so as to best protect the child and the abused parent from further harm.

3 (2) In addition to other factors that a court must consider in a proceeding in which the
4 court has made a finding of domestic or family violence, the court shall consider as primary the
5 safety and well-being of the child and of the parent who is the victim of domestic or family
6 violence. The court shall also consider the perpetrator's history of causing physical harm, bodily
7 injury or assault to another person.

8 (3) In a visitation or custody order, as a condition of the order, the court may:

9 (i) Order the perpetrator of domestic violence to attend and successfully complete, to the
10 satisfaction of the court, a certified batterer's intervention program;

11 (ii) Order the perpetrator to attend a substance abuse program whenever deemed
12 appropriate;

13 (iii) Require that a bond be filed with the court in order to ensure the return and safety of
14 the child;

15 (iv) Order that the address and telephone number of the child be kept confidential;

16 (v) Order an exchange of the child to occur in a protected setting, or supervised by
17 another person or agency; provided that, if the court allows a family or household member to
18 supervise visitation, the court shall establish conditions to be followed during visitation;

19 (vi) Order the perpetrator of domestic violence to abstain from possession or
20 consumption of alcohol or controlled substances during the visitation; and

21 (vii) Impose any other condition that is deemed necessary to provide for the safety of the
22 child, the victim of domestic violence, or other family or household member.

23 (4) "Domestic violence" means the occurrence of one or more of the following acts
24 between spouses or people who have a child in common:

25 (i) Attempting to cause or causing physical harm;

26 (ii) Placing another in fear of imminent serious physical harm;

27 (iii) Causing another to engage involuntarily in sexual relations by force, threat of force,
28 or duress.

29 (5) In every proceeding in which there is at issue the modification of an order for custody
30 or visitation of a child, the finding that domestic or family violence has occurred since the last
31 custody determination constitutes a prima facie finding of a change of circumstances.

32 (6) The fact that a parent is absent or relocates because of an act of domestic or family
33 violence by the other parent shall not weigh against the relocating or absent parent in determining
34 custody and visitation.

1 (7) A party's absence, relocation, or failure to comply with custody and visitation orders
2 shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the
3 reason for the absence, relocation, or failure to comply is the party's activation to military service
4 or deployment out of state.

5 (h) If there is no existing order establishing the terms of parental rights and
6 responsibilities or parent-child contact and it appears that deployment or mobilization is
7 imminent, upon motion by either parent, the court shall expedite a hearing to establish temporary
8 parental rights and responsibilities and parent-child contact to ensure the deploying parent has
9 access to the child, to ensure disclosure of information, to grant other rights and duties set forth
10 herein, and to provide other appropriate relief. Any initial pleading filed to establish parental
11 rights and responsibilities for or parent-child contact with a child of a deploying parent shall be so
12 identified at the time of filing by stating in the text of the pleading the specific facts related to
13 deployment.

14 SECTION 10. The title of Chapter 15-9 of the General Laws entitled "SUPPORT OF
15 CHILDREN" is hereby amended to read as follows:

16 ~~CHAPTER 15-9~~

17 ~~Support of Children~~

18 CHAPTER 15-9

19 SUPPORT OF CHILDREN

20 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

21 SECTION 11. Section 15-26-2 of the General Laws in Chapter 15-26 entitled "State
22 Disbursement Unit for the Collection and Distribution of Child Support" is hereby amended to
23 read as follows:

24 **15-26-2. Operation.** -- (a) The centralized state collection and disbursement unit shall
25 be operated directly by the department of administration, division of taxation or its designee and
26 in coordination with the automated system.

27 (b) The centralized state collection and disbursement unit shall use the automated
28 procedures, electronic processes, including the electronic funds transfer (EFT) provisions as
29 authorized by the tax administrator under § 44-1-31, and computer driven technology to the
30 maximum extent feasible, efficient and economical for the collection and disbursement of support
31 payments, including procedures for receipt from parents, employers, and other states, and for
32 disbursement to custodial parents and other obligees, the state agency, and the agencies of other
33 states:

34 (1) ⊕ For accurate identification of payments;

1 all school districts, regional school districts, state schools and charter schools. By July 1, 2009 the
2 council shall develop recommendations for a uniform system of accounting for all educational
3 regional collaboratives identified in ~~§ chapter~~ 16-3.1. Said recommendations shall be advisory in
4 nature and may be adopted by the office of auditor general and the department of elementary and
5 secondary education in part or in whole.

6 (b) The council shall meet no less than annually and recommend changes in accounting
7 procedures to be adopted by school districts, regional school districts, state schools and charter
8 schools as well as apprise school business officials, charter school officials, school committees
9 and school superintendents, school administrators and state school officials about professional
10 development opportunities that promotes sound fiscal practices and a knowledge of current state
11 and federal rules and regulations regarding school finance. The council shall also report, annually,
12 its activities and recommendations to the house committee on education accountability, the senate
13 committee on education and the office of the governor.

14 SECTION 15. The title of Chapter 16-3 of the General Laws entitled
15 "ESTABLISHMENT OF REGIONAL SCHOOL DISTRICTS" is hereby amended to read as
16 follows:

17 ~~CHAPTER 16-3~~

18 ~~Establishment of Regional School Districts~~

19 CHAPTER 16-3

20 ESTABLISHMENT OF REGIONAL SCHOOL DISTRICTS

21 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

22 SECTION 16. The title of Chapter 16-3.1 of the General Laws entitled "COOPERATIVE
23 SERVICE AMONG SCHOOL DISTRICTS" is hereby amended to read as follows:

24 ~~CHAPTER 16-3.1~~

25 ~~Cooperative Service Among School Districts~~

26 CHAPTER 16-3.1

27 COOPERATIVE SERVICE AMONG SCHOOL DISTRICTS

28 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

29 SECTION 17. Sections 16-3.1-8 and 16-3.1-10 of the General Laws in Chapter 16-3.1
30 entitled "Cooperative Service Among School Districts" are hereby amended to read as follows:

31 **16-3.1-8. Regional center collaborative - Northern Rhode Island. -- (a)**

32 Notwithstanding the provisions of any general or special law to the contrary, the school
33 committees of the cities and towns of Lincoln, Cumberland, Pawtucket, Central Falls,
34 Woonsocket, Smithfield, North Smithfield, North Providence, Johnston, Foster, Gloucester,

1 Foster-Glocester regional school district, and Burrillville are authorized and empowered to
2 continue and/or initiate cooperative efforts to provide special education programs and diagnostic
3 services required by law or regulation, to utilize technology, including without limitation
4 television, to provide limited interest curriculum, and to provide programs for the gifted and
5 talented, all on a collaborative basis. The various school committees may assign and delegate to
6 their respective school committee chairs or designee or superintendents of schools or designee,
7 acting as a regional board, any duties, responsibilities, and powers that the committees may deem
8 necessary for the conduct, administration, and management of the regional center collaborative of
9 northern Rhode Island.

10 (b) The Northern Rhode Island Collaborative, as a nonprofit corporation, shall have all
11 the powers provided in the R.I. Nonprofit Corporation Act (RI Gen. Laws § 7-6-1, et seq):

12 (1) To purchase, take, receive, lease, take by gift, or otherwise acquire, own, hold,
13 mortgage, finance, improve, and use a certain parcel of realty and fixtures thereon located at 300
14 George Washington Highway, Smithfield, Rhode Island, and any parcels of realty contiguous
15 thereto.

16 (2) To create a wholly-owned subsidiary entity for the purpose of facilitating any of the
17 powers, duties and responsibilities referred to above.

18 ~~16-3.1-10. Regional center collaborative – East Bay Educational Collaborative~~
19 ~~educational collaborative. — Regional center collaborative - East Bay Educational~~
20 ~~Collaborative.~~ -- (a) Notwithstanding the provisions of any general or special law to the contrary,
21 the school committees of the cities and towns of Barrington, Bristol, East Providence, Little
22 Compton, Middletown, Newport, Portsmouth, Tiverton, and Warren are authorized and
23 empowered to continue and/or initiate cooperative efforts to provide educational programs and/or
24 services on a collaborative basis. The various school committees may assign and delegate to their
25 respective school committee chairs or designee or superintendents of schools or designee, acting
26 as a regional board of directors, any duties, responsibilities, and powers that the committees may
27 deem necessary for the conduct, administration, and management of the East Bay Educational
28 Collaborative ~~educational collaborative~~.

29 (b) Notwithstanding the above enumerated powers, duties and responsibilities referred to
30 above and in chapter 3.1 of this title, the East Bay Educational Collaborative, as a nonprofit
31 corporation incorporated pursuant to the R.I. Nonprofit Corporation Act (RI Gen Laws § 7-6-1, et
32 seq.), shall have the authority to:

33 (1) Purchase, take, receive, lease, take by gift, devise, or bequest, or otherwise acquire,
34 own, hold, improve, use and otherwise deal in and with real estate, including their current site

1 location, to wit, 317 Market Street, Warren, Rhode Island, or such other site as meets the
2 administrative and/or operational needs of the East Bay Educational Collaborative, subject to the
3 approval of five (5) of the eight (8) school committees of the member districts of the collaborative
4 or a majority of the school committees that are members of the collaborative at the time.

5 (2) Sell, convey, mortgage, finance, bond, lend, lease, exchange, transfer, and otherwise
6 dispose of all or any part of its property and assets, both real or personal, subject to the approval
7 of five (5) of the eight (8) school committees of the member districts of the collaborative or a
8 majority of the school committees that are members of the collaborative at the time.

9 SECTION 18. The title of Chapter 16-4 of the General Laws entitled "PERMANENT
10 SCHOOL FUND" is hereby amended to read as follows:

11 ~~CHAPTER 16-4~~

12 ~~Permanent School Fund~~

13 CHAPTER 16-4

14 PERMANENT SCHOOL FUND

15 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

16 SECTION 19. The title of Chapter 16-5 of the General Laws entitled "STATE AID" is
17 hereby amended to read as follows:

18 ~~CHAPTER 16-5~~

19 ~~State Aid~~

20 CHAPTER 16-5

21 STATE AID

22 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

23 SECTION 20. The title of Chapter 16-7 of the General Laws entitled "FOUNDATION
24 LEVEL SCHOOL SUPPORT" is hereby amended to read as follows:

25 ~~CHAPTER 16-7~~

26 ~~Foundation Level School Support~~

27 CHAPTER 16-7

28 FOUNDATION LEVEL SCHOOL SUPPORT

29 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

30 SECTION 21. Sections 16-7-20.1 and 16-7-41.1 of the General Laws in Chapter 16-7
31 entitled "Foundation Level School Support" are hereby amended to read as follows:

32 **16-7-20.1. Annual report of number of children with disabilities receiving support. --**

33 The director of the department of behavioral healthcare, developmental disabilities and hospitals
34 ~~department of mental health, retardation, and hospitals~~ shall annually report on the first day of

1 September to the commissioner of elementary and secondary education the number of children
2 with disabilities affected by § 16-7-20 and the educational program costs for the children.

3 **16-7-41.1. Eligibility for reimbursement.--** (a) School districts, not municipalities, may
4 apply for and obtain approval for a project under the necessity of school construction process set
5 forth in the regulations of the board of regents for elementary and secondary education. Such
6 approval will remain valid until June 30 of the third fiscal year following the fiscal year in which
7 the board of regents for elementary and secondary education's approval is granted. Only those
8 projects undertaken at school facilities under the care and control of the school committee and
9 located on school property may qualify for reimbursement under §§ 16-7-35 - 16-7-47. Facilities
10 with combined school and municipal uses or facilities that are operated jointly with any other
11 profit or non-profit agency do not qualify for reimbursement under §§ 16-7-35 - 16-7-47. Projects
12 completed by June 30 of a fiscal year are eligible for reimbursement in the following fiscal year.
13 A project for new school housing or additional housing shall be deemed to be completed when
14 the work has been officially accepted by the school committee or when the housing is occupied
15 for its intended use by the school committee, whichever is earlier.

16 (b) Notwithstanding the provisions of this section, the board of regents shall not grant
17 final approval for any project between June 30, 2011 and June 30, 2014 except for projects that
18 are necessitated by immediate health and safety reasons. In the event that a project is requested
19 during the moratorium because of immediate health and safety reasons, those proposals shall be
20 reported to the chairs of the house and senate finance committees.

21 (c) Any project approval granted prior to the adoption of the school construction
22 regulations in 2007, and which are currently inactive; and any project approval granted prior to
23 the adoption of the school construction regulations in 2007 which did not receive voter approval
24 or which has not been previously financed, are no longer eligible for reimbursement under this
25 chapter. The department of elementary and secondary education shall develop recommendations
26 for further cost containment strategies in the school housing aid program.

27 SECTION 22. The title of Chapter 16-7.1 of the General Laws entitled "THE PAUL W.
28 CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE" is hereby amended to
29 read as follows:

30 ~~CHAPTER 16-7.1~~
31 ~~The Paul W. Crowley Rhode Island Student Investment Initiative~~

32 CHAPTER 16-7.1
33 THE PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE

34 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

1 SECTION 23. Sections 16-7.2-4 and 16-7.2-7 of the General Laws in Chapter 16-7.2
2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended to read as
3 follows:

4 **16-7.2-4. Determination of state's share.** -- (a) For each district, the state's share of the
5 foundation education aid calculated pursuant to § 16-7.2-3(a) shall use a calculation that
6 considers a district's revenue generating capacity and concentration of high-need students. The
7 calculation is the square root of the sum of the state share ratio for the community calculation
8 (SSRC), pursuant to § 16-7-20, squared plus the district's percentage of students eligible for
9 USDA reimbursable school meals in grades PK-6 (PK6FRPL) squared, divided by two.

10 (b) For purposes of determining the state's share, school district student data used in this
11 calculation shall include charter school and state school students. These ratios are used in the
12 permanent foundation education aid formula calculation described in § 16-7.2-5.

13 **16-7.2-7. Transition plan.** -- (a) The general assembly, shall annually determine the
14 appropriation of education aid pursuant to this chapter using a transition plan to begin in fiscal
15 year 2012, not to exceed seven (7) years for LEA's for whom the calculated education aid
16 pursuant to § 16-7.2-3 is more than the education aid the LEA is receiving as of the effective date
17 of the formula, and ten (10) years for LEA's for whom the calculated education aid pursuant to §
18 16-7.2-3 is less than the education aid the LEA is receiving as of the effective date of the formula.

19 (b) The local share of funding pursuant to § 16-7.2-5 shall be transitioned proportionately
20 over a period not to exceed five (5) years. The transition shall provide a combination of direct aid
21 to districts, funds for the categorical programs, and district savings through state- assumed costs,
22 as determined by the general assembly on an annual basis, Updates to any components of the
23 permanent foundation education aid formula, such as student data, property values, and/or median
24 family income, that result in an increase or decrease in state education aid that impacts the total
25 state and local contribution by more than three percent (3%) shall be transitioned over a period of
26 time not to exceed three (3) years.

27 SECTION 24. The title of Chapter 16-8 of the General Laws entitled "FEDERAL AID"
28 is hereby amended to read as follows:

29 ~~CHAPTER 16-8~~
30 ~~Federal Aid~~
31 CHAPTER 16-8
32 FEDERAL AID

33 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

34 SECTION 25. The title of Chapter 16-11 of the General Laws entitled

1 "CERTIFICATION OF TEACHERS" is hereby amended to read as follows:

2 ~~CHAPTER 16-11~~

3 ~~Certification of Teachers~~

4 CHAPTER 16-11

5 CERTIFICATION OF TEACHERS

6 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

7 SECTION 26. The title of Chapter 16-11.4 of the General Laws entitled "RHODE
8 ISLAND CERTIFICATION STANDARDS BOARD" is hereby amended to read as follows:

9 ~~CHAPTER 16-11.4~~

10 ~~Rhode Island Certification Standards Board~~

11 CHAPTER 16-11.4

12 RHODE ISLAND CERTIFICATION STANDARDS BOARD

13 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

14 SECTION 27. The title of Chapter 16-16 of the General Laws entitled "TEACHERS'
15 RETIREMENT" is hereby amended to read as follows:

16 ~~CHAPTER 16-16~~

17 ~~Teachers' Retirement~~

18 CHAPTER 16-16

19 TEACHERS' RETIREMENT

20 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

21 SECTION 28. Section 16-16-35 of the General Laws in Chapter 16-16 entitled
22 "Teachers' Retirement" is hereby amended to read as follows:

23 **16-16-35. Contributions.** -- (a) The cost of the benefits provided in §§ 16-16-25 - 16-16-
24 38 shall be two percent (2%) of the member's annual salary up to but not exceeding an annual
25 salary of ninety-six hundred dollars (\$9,600); one-half (1/2) of the cost shall be contributed by the
26 member by deductions from his or her salary, and the other half (1/2) shall be contributed and
27 paid by the respective city, town, or school district by which the member is employed. These
28 contributions shall be in addition to the contributions provided in § 16-16-22 and shall be paid
29 into the teachers' survivors benefit fund created by §§ 16-16-25 - 16-16-38 in the same manner as
30 contributions are made under the provisions of § 16-16-22.

31 (b) In the event the market value of the Teachers' Survivor Benefit Plan assets shall
32 decrease below one hundred and twenty (120%) percent of the Teachers' Survivor Benefit Plan
33 liabilities as reported by a qualified actuary pursuant to § 16-16-37, the retirement board shall
34 determine and fix the amount of contributions necessary to maintain a funding level of not less

1 than one hundred and twenty (120%) percent of assets to liabilities ratio. Any adjusted cost of the
2 benefits provided in §§ 16-16-25 - 16-16-38 shall be paid for by the member by deduction from
3 his or her salary. These contributions shall be in addition to the contributions provided in § 16-16-
4 22 and shall be paid into the teachers' survivors benefit fund created by §§ 16-16-25 - 16-16-38 in
5 the same manner as contributions are made under the provisions of § 16-16-22.

6 SECTION 29. The title of Chapter 16-17.1 of the General Laws entitled "ALTERNATE
7 PROVISIONS FOR RETIREMENT OF TEACHERS IN STATE COLLEGES" is hereby
8 amended to read as follows:

9 ~~CHAPTER 16-17.1~~

10 ~~Alternate Provisions for Retirement of Teachers in State Colleges~~

11 CHAPTER 16-17.1

12 ALTERNATE PROVISIONS FOR RETIREMENT OF TEACHERS IN STATE COLLEGES

13 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

14 SECTION 30. The title of Chapter 16-19 of the General Laws entitled "COMPULSORY
15 ATTENDANCE" is hereby amended to read as follows:

16 ~~CHAPTER 16-19~~

17 ~~Compulsory Attendance~~

18 CHAPTER 16-19

19 COMPULSORY ATTENDANCE

20 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

21 SECTION 31. Section 16-21-14.1 of the General Laws in Chapter 16-21 entitled "Health
22 and Safety of Pupils" is hereby amended to read as follows:

23 **16-21-14.1. Vision screening.** – (a) Upon entering kindergarten or within thirty (30) days
24 of the start of the school year, the parent or guardian of each child shall present to school health
25 personnel certification that the child, within the previous twelve (12) months has passed a vision
26 screening conducted by a health care professional licensed by the department of health or has
27 obtained a comprehensive eye examination performed by a licensed optometrist or
28 ophthalmologist. For children who fail to pass the vision screening and for children diagnosed
29 with neurodevelopmental delay, proof of a comprehensive eye examination performed by a
30 licensed optometrist or ophthalmologist indicating any pertinent diagnosis, treatment, prognosis,
31 recommendation and evidence of follow-up treatment, if necessary, shall be provided.

32 (b) Any person who conducts a comprehensive eye examination of a child in response to
33 such child having failed a vision screening given in accordance with the provisions of this section
34 shall forward a written report of the results of the examination to the school health personnel and

1 a copy of said report to a parent or guardian of such child and the child's primary health care
2 provider. Said report shall include, but not be limited to, the following:

3 ~~(1) (i)~~ Date of report;

4 ~~(2) (ii)~~ Name, address and date of birth of the child;

5 ~~(3) (iii)~~ Name of the child's school;

6 ~~(4) (iv)~~ Type of examination;

7 ~~(5) (v)~~ A summary of significant findings, including diagnoses, medication used, duration
8 of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if
9 so, when;

10 ~~(6) (vi)~~ Recommended educational adjustments for the child, if any, which may include
11 the following: preferential seating in the classroom, eyeglasses for full-time use in school,
12 eyeglasses for part-time use in school, sight-saving eyeglasses or any other recommendations;

13 ~~(7) (vii)~~ Name, address and signature of the examiner.

14 (c) The department of health in consultation with the department of education shall
15 promulgate regulations to carry out the purposes of this section, including the regular reporting to
16 the departments of health and education on the results of examinations provided under subsection
17 (b) above.

18 (d) The commissioner of elementary and secondary education shall provide a
19 comprehensive report on the education of blind and visually impaired children to the general
20 assembly prior to March 1, 2009. The report shall include, but not limited to, an overview of
21 policies and programs; an analysis of the effect that vision exam reports have had on improving
22 education for children; and the comprehensive statewide vision education and services program;
23 and recommendations. The commissioner shall provide an update of said analysis and report to
24 the general assembly prior to March 1, 2012 and every three (3) years thereafter.

25 SECTION 32. The title of Chapter 16-21.1 of the General Laws entitled
26 "TRANSPORTATION OF SCHOOL PUPILS BEYOND CITY AND TOWN LIMITS" is hereby
27 amended to read as follows:

28 ~~CHAPTER 16-21.1~~

29 ~~Transportation of School Pupils Beyond City and Town Limits~~

30 CHAPTER 16-21.1

31 TRANSPORTATION OF SCHOOL PUPILS BEYOND CITY AND TOWN LIMITS

32 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

33 SECTION 33. Sections 16-21.2-4, 16-21.2-5, 16-21.2-6, 16-21.2-8 and 16-21.2-9 of the
34 General Laws in Chapter 16-21.2 entitled "The Rhode Island Substance Abuse Prevention Act"

1 are hereby amended to read as follows:

2 **16-21.2-4. Substance abuse prevention program.** -- (a) The [department of behavioral](#)
3 [healthcare, developmental disabilities and hospitals](#) ~~department of mental health, retardation, and~~
4 ~~hospitals~~ shall be charged with the administration of this chapter and shall provide grants to assist
5 in the planning, establishment, and operation of substance abuse prevention programs. Grants
6 under this section shall be made to municipal governments or their designated agents according to
7 the following guidelines:

8 (1) The maximum grant shall be one hundred twenty-five thousand dollars (\$125,000);
9 provided, however, in the event that available funding exceeds \$1.6 million in a fiscal year, those
10 surplus funds are to be divided proportionately among the cities and towns on a per capita basis
11 but in no event shall the city of Providence exceed a maximum grant cap of \$175,000.00.

12 (2) In order to obtain a grant, the municipality or its designated agent must in the first
13 year:

14 (i) Demonstrate the municipality's need for a comprehensive substance abuse program in
15 the areas of prevention and education.

16 (ii) Demonstrate that the municipality has established by appropriate legislative or
17 executive action, a substance abuse prevention council which shall assist in assessing the needs
18 and resources of the community, developing a three (3) year plan of action addressing the
19 identified needs, the operation and implementation of the overall substance abuse prevention
20 program; coordinating existing services such as law enforcement, prevention, treatment, and
21 education; consisting of representatives of the municipal government, representatives of the
22 school system, parents, and human service providers.

23 (iii) Demonstrate the municipality's ability to develop a plan of implementation of a
24 comprehensive three (3) year substance abuse prevention program based on the specific needs of
25 the community to include high risk populations of adolescents, children of substance abusers, and
26 primary education school aged children.

27 (iv) Agree to conduct a survey/questionnaire of the student population designed to
28 establish the extent of the use and abuse of drugs and alcohol in students throughout the local
29 community's school population.

30 (v) Demonstrate that at least twenty percent (20%) of the cost of the proposed program
31 will be contributed either in cash or in-kind by public or private resources within the
32 municipality.

33 (b) The [department of behavioral healthcare, developmental disabilities and hospitals](#)
34 ~~department of mental health, retardation, and hospitals~~ shall adopt rules and regulations necessary

1 and appropriate to carry out the purposes of this section.

2 **16-21.2-5. Funding of substance abuse prevention program.** – (a) Money to fund the
3 Rhode Island Substance Abuse Prevention Act shall be appropriated from state general revenues
4 and shall be raised by assessing an additional penalty of thirty dollars (\$30.00) for all speeding
5 violations as set forth in § 31-43-5.1. The money shall be deposited as general revenues. The
6 department of behavioral healthcare, developmental disabilities and hospitals ~~department of~~
7 ~~mental health, retardation, and hospitals~~ may utilize up to ten percent (10%) of the sums
8 appropriated for the purpose of administering the substance abuse prevention program.

9 (b) Grants made under this chapter shall not exceed money available in the substance
10 abuse prevention program.

11 **16-21.2-6. Timetable for grant applications and disbursement.** – The department of
12 behavioral healthcare, developmental disabilities and hospitals ~~department of mental health,~~
13 ~~retardation, and hospitals~~ shall establish guidelines and criteria for the acceptance of grant
14 applications and the disbursement of grants.

15 **16-21.2-8. ~~The duties of the director of the department of mental health, retardation,~~**
16 **~~and hospitals.~~—The duties of the director of the department of behavioral healthcare,**
17 **developmental disabilities and hospitals.**—The director of the department of behavioral
18 healthcare, developmental disabilities and hospitals ~~department of mental health, retardation, and~~
19 ~~hospitals~~ or his or her designated agent shall make an annual report by September 1 of each year
20 to the governor and the general assembly on the administration of the program.

21 **16-21.2-9. Permanent legislative oversight commission on substance abuse**
22 **prevention.** -- There is established a permanent legislative oversight commission on substance
23 abuse prevention whose purpose it shall be to oversee the implementation and administration of
24 the Rhode Island Substance Abuse Prevention Act and to advise and make recommendations to
25 the general assembly as to the adequacy and efficiency of all statutes, rules, regulations,
26 guidelines, practices, and programs relating to substance abuse prevention. The commission shall
27 consist of twelve (12) members: five (5) members shall be appointed by the speaker of the house
28 of representatives from among the members of the house of representatives, not more than four
29 (4) of whom shall be from the same political party; three (3) members shall be appointed by the
30 president of the senate from among the members of the senate, not more than two (2) of whom
31 shall be from the same political party; and one member (ex officio) shall be the director of the
32 department of behavioral healthcare, developmental disabilities and hospitals ~~department of~~
33 ~~mental health, retardation, and hospitals~~ and one member (ex officio) shall be the director of the
34 department of health or designee; and a Rhode Island Substance Abuse Prevention Act task force

1 member to be appointed by the chairperson of the commission; and a public member appointed
2 by the chairperson of the commission. The chairperson of the commission shall be appointed by
3 the speaker of the house of representatives. Members of the commission shall serve without
4 compensation, except that they shall be allowed their actual and necessary expenses incurred in
5 the performance of their duties under this section. The commission may request and shall receive
6 from any instrumentality of the state, including the division of substance abuse of the [department](#)
7 [of behavioral healthcare, developmental disabilities and hospitals](#) ~~department of mental health,~~
8 ~~retardation, and hospitals~~ and from any municipality or any instrumentality of a municipality, any
9 information and assistance that it deems necessary for the proper execution of its powers and
10 duties under this section. The commission shall meet at least quarterly and shall report at least
11 annually to the general assembly on its findings and recommendations with respect to:

- 12 (1) All existing substance abuse prevention programs;
- 13 (2) All rules, regulations, and guidelines promulgated pursuant to the Rhode Island
14 Substance Abuse Prevention Act;
- 15 (3) Administration of the Rhode Island Substance Abuse Prevention Act; and
- 16 (4) Any other matters relating to substance abuse prevention efforts in the state.

17 SECTION 34. The title of Chapter 16-22 of the General Laws entitled "CURRICULUM"
18 is hereby amended to read as follows:

19 ~~CHAPTER 16-22~~
20 ~~Curriculum~~
21 [CHAPTER 16-22](#)
22 [CURRICULUM](#)
23 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

24 SECTION 35. The title of Chapter 16-22.1 of the General Laws entitled "THE
25 STATEWIDE VIRTUAL EDUCATION ACT" is hereby amended to read as follows:

26 ~~CHAPTER 16-22.1~~
27 ~~The Statewide Virtual Education Act~~
28 [CHAPTER 16-22.1](#)
29 [THE STATEWIDE VIRTUAL EDUCATION ACT](#)
30 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

31 SECTION 36. Sections 16-21.3-2, 16-21.3-3, 16-21.3-4 and 16-21.3-5 of the General
32 Laws in Chapter 16-21.3 entitled "The Rhode Island Student Assistance Junior High/Middle
33 School Act" are hereby amended to read as follows:

34 **16-21.3-2. Junior high/middle school student assistance program.** -- (a) The

1 ~~department of behavioral healthcare, developmental disabilities and hospitals~~ ~~department of~~
2 ~~mental health, retardation, and hospitals~~ shall be charged with the administration of this chapter
3 and shall contract with appropriate substance abuse prevention/intervention agencies to provide
4 student assistance services in junior high/middle schools.

5 (b) Following the first complete year of operation, school systems receiving junior
6 high/middle school student assistance services will be required to contribute twenty percent
7 (20%) of the costs of student assistance counselors to the service provider agency in order to
8 continue the services.

9 **16-21.3-3. Funding of junior high/middle school student assistance program. --** (a)
10 Money to fund this program shall be raised by assessing an additional substance abuse prevention
11 assessment of thirty dollars (\$30.00) for all moving motor vehicle violations handled by the
12 traffic tribunal including, but not limited to, those violations set forth in § 31-41.1-4, except for
13 speeding. The money shall be deposited in a restricted purpose receipt account separate from all
14 other accounts within the ~~department of behavioral healthcare, developmental disabilities and~~
15 ~~hospitals~~ ~~department of mental health, retardation, and hospitals~~. The restricted purpose receipt
16 account shall be known as the junior high/middle school student assistance fund and the traffic
17 tribunal shall transfer money from the junior high/middle school student assistance fund to ~~the~~
18 ~~department of behavioral healthcare, developmental disabilities and hospitals~~ ~~the department of~~
19 ~~mental health, retardation, and hospitals~~ for the administration of the Rhode Island Student
20 Assistance Junior High/Middle School Act.

21 (b) The ~~department of behavioral healthcare, developmental disabilities and hospitals~~
22 ~~department of mental health, retardation, and hospitals~~ may utilize up to ten percent (10%) of the
23 sums collected from the additional penalty for the purpose of administering the program.

24 **~~16-21.3-4. The duties of the director of the department the department of mental~~**
25 **~~health, retardation, and hospitals. ---~~** **The duties of the director of the department of**
26 **behavioral healthcare, developmental disabilities and hospitals. --** The director of ~~the~~
27 ~~department of behavioral healthcare, developmental disabilities and hospitals~~ ~~the department of~~
28 ~~mental health, retardation, and hospitals~~ or his or her designated agent shall make an annual
29 report by September 1 of each year to the governor and general assembly on the administration of
30 the program and shall submit to the governor and the general assembly the results of an
31 independent evaluation of the substance abuse prevention program created in accordance with
32 this section.

33 **16-21.3-5. Permanent legislative oversight commission on substance abuse**
34 **prevention. --** The established permanent legislative oversight commission on substance abuse

1 prevention shall oversee the implementation and administration of this chapter and shall advise
2 and make recommendations to the general assembly as to the adequacy and efficiency of all
3 statutes, rules, regulations, guidelines, practices, and programs relating to substance abuse
4 prevention. Members of the commission shall serve without compensation, except that they shall
5 be allowed their actual and necessary expenses incurred in the performance of their duties under
6 this section. The commission may request and shall receive from any instrumentality of the state,
7 including the division of substance abuse services of [the department of behavioral healthcare,](#)
8 [developmental disabilities and hospitals](#) ~~department of mental health, retardation, and hospitals,~~
9 and from any municipality or any instrumentality of the municipality, any information and
10 assistance it deems necessary for the proper execution of its powers and duties under this section.
11 The commission shall meet at least quarterly and shall report at least annually to the general
12 assembly on its findings and recommendations with respect to: (a) all existing substance abuse
13 prevention programs; (b) all rules, regulations, and guidelines promulgated pursuant to this
14 chapter; (c) administration of this chapter; (d) any other matters relating to substance abuse
15 prevention efforts in the state. The legislative oversight commission shall have the authority to
16 designate or commit after careful evaluation unexpended funds from this chapter and chapter 21.2
17 of this title to appropriate substance abuse prevention programming and/or planning.

18 SECTION 37. The title of Chapter 16-24 of the General Laws entitled "CHILDREN
19 WITH DISABILITIES" is hereby amended to read as follows:

20 ~~CHAPTER 16-24~~

21 ~~Children with Disabilities~~

22 [CHAPTER 16-24](#)

23 [CHILDREN WITH DISABILITIES](#)

24 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

25 SECTION 38. Sections 16-24-1, 16-24-2, 16-24-3 and 16-24-16 of the General Laws in
26 Chapter 16-24 entitled "Children with Disabilities" are hereby amended to read as follows:

27 **16-24-1. Duty of school committee to provide special education. --** (a) In any city or
28 town where there is a child with a disability within the age range as designated by the regulations
29 of the state board of regents for elementary and secondary education, who is functionally limited
30 to such an extent that normal educational growth and development is prevented, the school
31 committee of the city or town where the child resides shall provide the type of special education
32 that will best satisfy the needs of the child with a disability, as recommended and approved by the
33 state board of regents for elementary and secondary education in accordance with its regulations
34 governing the education of children with disabilities.

1 (b) Notwithstanding any other federal or state law or regulation, the school committee
2 where a parentally placed child who has or develops a disability in private school resides, shall
3 provide the child with the same free and appropriate education as it provides to children in public
4 schools. These children shall have the same rights and remedies in the regulations of the board of
5 regents for elementary and secondary education governing the education of children with
6 disabilities as children in public school relative to initially determining eligibility, implementation
7 and/or any other rights and remedies relative to any special education services the child may be
8 eligible or receive from the public school district.

9 (c) For the purpose of this statute, a parentally placed child who has or develops a
10 disability in private school is defined as a child enrolled or placed in a private school by the
11 unilateral decision of his or her parents and without consultation of the public school district, who
12 either has, or at some point while at the private school is diagnosed with a learning disability.
13 Parents who unilaterally enroll their child in a private school are required to pay the tuition costs
14 related to the child's education that are unrelated to the child's disability, and the public school
15 district where the child resides is responsible for payment of the services related to the child's
16 disability as developed and determined in the child's individual education plan.

17 (d) For the purpose of this statute, a free and appropriate education is defined as special
18 education services and related services that:

19 ~~(i)~~(1) Are provided at public expense, under public supervision and direction, and
20 without charge;

21 ~~(ii)~~(2) Meet all of the standards and requirements of the state of Rhode Island department
22 of education and requirements of the regulations of the board of regents for elementary and
23 secondary education governing the education of children with disabilities, which shall include
24 initial evaluation and determination procedures;

25 ~~(iii)~~(3) Include preschool, elementary school or secondary school education in the state;
26 and

27 ~~(iv)~~(4) Are provided in conformity with an individualized education program that meets
28 the requirements of the regulations of the board of regents for elementary and secondary
29 education governing the education of children with disabilities.

30 (e) In those cases that an individual education plan has been adopted for a child and the
31 child moves to another town or city, the plan shall remain in effect until a new plan is adopted for
32 the child in the new town or city.

33 **16-24-2. Regulations of state board.** -- It shall be the duty of the state board of regents
34 for elementary and secondary education to set up regulations for the purpose of carrying out the

1 intent of this chapter; and the regulations shall also be applicable in the administration of all
2 educational programs operated and/or supported by the [department of behavioral healthcare,](#)
3 [developmental disabilities and hospitals](#) ~~department of mental health, retardation, and hospitals,~~
4 human services, and corrections; the department of children, youth, and families and the board of
5 regents shall report to the attorney general for the purpose of enforcing any noncompliance with
6 its regulations for special education. The regulations shall include:

7 (1) Criteria to determine who is to be included in the category of a child with a disability
8 and all persons from the age of three (3) to twenty-one (21) years who are functionally limited to
9 such an extent that normal educational growth and development is prevented must be included in
10 establishing the category of a child with a disability;

11 (2) Minimum criteria for establishment and/or reimbursement of special facilities (such
12 as public school classes, hospital schools, etc.) for each category of exceptionality;

13 (3) Standard accounting procedures including a uniform system of accounts for the
14 determination of the cost of special education and standard reporting requirements, both subject
15 to the prior written approval of the auditor general, and methods of reimbursement;

16 (4) Teacher training recommendations and minimum teacher qualifications;

17 (5) Transportation;

18 (6) Provisions permitting parents, public education agencies, certified public school
19 teachers, support personnel, and their authorized representatives to appeal decisions made
20 pursuant to the regulations; and

21 (7) Any other regulations the state board of regents deems necessary to implement this
22 chapter.

23 **16-24-3. Annual census of children with disabilities.** -- The school committee of every
24 city and town shall annually ascertain, under regulations prescribed by the state board of regents
25 for elementary and secondary education, in cooperation with the directors of human services and
26 [behavioral healthcare, developmental disabilities and hospitals](#) ~~mental health, retardation, and~~
27 ~~hospitals~~, the number of children residing in the town or city of school age who have disabilities.

28 **16-24-16. Approved centers.** -- For the purpose of furnishing transportation and
29 providing incidental expenses for the education of mentally retarded children under the age of
30 eighteen (18), a center approved by the director of [behavioral healthcare, developmental](#)
31 [disabilities and hospitals](#) ~~mental health, retardation, and hospitals~~ shall be decreed to be a school
32 as considered in this chapter.

33 SECTION 39. The title of Chapter 16-25.1 of the General Laws entitled "BRAILLE
34 INSTRUCTION FOR BLIND STUDENTS" is hereby amended to read as follows:

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~~CHAPTER 16-25.1~~

~~Braille Instruction for Blind Students~~

CHAPTER 16-25.1

BRAILLE INSTRUCTION FOR BLIND STUDENTS

[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

SECTION 40. The title of Chapter 16-25.2 of the General Laws entitled "INSTRUCTION FOR DEAF OR HARD OF HEARING STUDENTS" is hereby amended to read as follows:

~~CHAPTER 16-25.2~~

~~Instruction for Deaf or Hard of Hearing Students~~

CHAPTER 16-25.2

INSTRUCTION FOR DEAF OR HARD OF HEARING STUDENTS

[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

SECTION 41. The title of Chapter 16-25.3 of the General Laws entitled "SCHOOL SPEECH AND LANGUAGE PATHOLOGISTS" is hereby amended to read as follows:

~~CHAPTER 16-25.3~~

~~School Speech and Language Pathologists~~

CHAPTER 16-25.3

SCHOOL SPEECH AND LANGUAGE PATHOLOGISTS

[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

SECTION 42. Section 16-25.3-2 of the General Laws in Chapter 16-25.3 entitled "School Speech and Language Pathologists" is hereby amended to read as follows:

16-25.3-2. Employment of speech language pathologists. -- (a) Each school district is

encouraged by the general assembly to employ one full time certified speech language pathologist for every forty (40) students who receive speech language services within the age range of three (3) to twenty-one (21). In cases where the number of students receiving speech language services is above forty (40), the school district is encouraged to employ a speech language pathologist on a part time pro-rata basis.

(b) When a speech and language evaluation or the provision of speech language services are being considered or are part of the student's program the speech language pathologist shall be a member of the multidisciplinary team.

(c) In the event an individual seeks emergency certification from the department of elementary and secondary education in the area of speech language pathology, the individual must meet the following minimum requirements before the granting of emergency certification by

1 the department of elementary and secondary education:

2 (1) Hold a bachelor's degree in communicative disorders from an accredited college or
3 university;

4 (2) Have successfully completed no less than eighteen (18) hours of graduate credit in
5 the area of speech language pathology.

6 (d) Individuals under emergency certification to conduct the business of a speech
7 language pathologist shall be under the direct supervision of a certified speech language
8 pathologist. At no time shall a certified speech language pathologist supervise more than one
9 emergency certified speech language pathologist.

10 ~~(e) [Deleted by P.L. 2007, ch. 73, art. 21, section 4].~~

11 ~~(f) [Deleted by P.L. 2007, ch. 73, art. 21, section 4].~~

12 SECTION 43. The title of Chapter 16-25.4 of the General Laws entitled "AMERICAN
13 SIGN LANGUAGE" is hereby amended to read as follows:

14 ~~CHAPTER 16-25.4~~

15 ~~American Sign Language~~

16 CHAPTER 16-25.4

17 AMERICAN SIGN LANGUAGE

18 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

19 SECTION 44. The title of Chapter 16-26 of the General Laws entitled "SCHOOL FOR
20 THE DEAF" is hereby amended to read as follows:

21 ~~CHAPTER 16-26~~

22 ~~School for the Deaf~~

23 CHAPTER 16-26

24 SCHOOL FOR THE DEAF

25 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

26 SECTION 45. The title of Chapter 16-26.1 of the General Laws entitled "RHODE
27 ISLAND VISION EDUCATION AND SERVICES PROGRAM" is hereby amended to read as
28 follows:

29 ~~CHAPTER 16-26.1~~

30 ~~Rhode Island Vision Education and Services Program~~

31 CHAPTER 16-26.1

32 RHODE ISLAND VISION EDUCATION AND SERVICES PROGRAM

33 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

34 SECTION 46. The title of Chapter 16-28 of the General Laws entitled "EDUCATIONAL

1 TELEVISION" is hereby amended to read as follows:

2 ~~CHAPTER 16-28~~

3 ~~Educational Television~~

4 CHAPTER 16-28

5 EDUCATIONAL TELEVISION

6 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

7 SECTION 47. The title of Chapter 16-32 of the General Laws entitled "UNIVERSITY
8 OF RHODE ISLAND" is hereby amended to read as follows:

9 ~~CHAPTER 16-32~~

10 ~~University of Rhode Island~~

11 CHAPTER 16-32

12 UNIVERSITY OF RHODE ISLAND

13 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

14 SECTION 48. The title of Chapter 16-32.1 of the General Laws entitled "THE
15 UNIVERSITY OF RHODE ISLAND RESEARCH FOUNDATION ACT" is hereby amended to
16 read as follows:

17 ~~CHAPTER 16-32.1~~

18 ~~The University of Rhode Island Research Foundation Act~~

19 CHAPTER 16-32.1

20 THE UNIVERSITY OF RHODE ISLAND RESEARCH FOUNDATION ACT

21 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

22 SECTION 49. The title of Chapter 16-33 of the General Laws entitled "RHODE
23 ISLAND COLLEGE" is hereby amended to read as follows:

24 ~~CHAPTER 16-33~~

25 ~~Rhode Island College~~

26 CHAPTER 16-33

27 RHODE ISLAND COLLEGE

28 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

29 SECTION 50. The title of Chapter 16-33.1 of the General Laws entitled "COMMUNITY
30 COLLEGE OF RHODE ISLAND" is hereby amended to read as follows:

31 ~~CHAPTER 16-33.1~~

32 ~~Community College of Rhode Island~~

33 CHAPTER 16-33.1

34 COMMUNITY COLLEGE OF RHODE ISLAND

1 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

2 SECTION 51. The title of Chapter 16-38 of the General Laws entitled "OFFENSES
3 PERTAINING TO SCHOOLS" is hereby amended to read as follows:

4 ~~CHAPTER 16-38~~

5 ~~Offenses Pertaining to Schools~~

6 [CHAPTER 16-38](#)

7 [OFFENSES PERTAINING TO SCHOOLS](#)

8 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

9 SECTION 52. The title of Chapter 16-39 of the General Laws entitled
10 "CONTROVERSIES IN SCHOOL MATTERS" is hereby amended to read as follows:

11 ~~CHAPTER 16-39~~

12 ~~Controversies in School Matters~~

13 [CHAPTER 16-39](#)

14 [CONTROVERSIES IN SCHOOL MATTERS](#)

15 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

16 SECTION 53. The title of Chapter 16-40 of the General Laws entitled "PRIVATE
17 SCHOOLS" is hereby amended to read as follows:

18 ~~CHAPTER 16-40~~

19 ~~Private Schools~~

20 [CHAPTER 16-40](#)

21 [PRIVATE SCHOOLS](#)

22 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

23 SECTION 54. The title of Chapter 16-42 of the General Laws entitled "EDUCATION
24 OF GIFTED CHILDREN" is hereby amended to read as follows:

25 ~~CHAPTER 16-42~~

26 ~~Education of Gifted Children~~

27 [CHAPTER 16-42](#)

28 [EDUCATION OF GIFTED CHILDREN](#)

29 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

30 SECTION 55. The title of Chapter 16-44 of the General Laws entitled "COMMUNITY
31 COLLEGES" is hereby amended to read as follows:

32 ~~CHAPTER 16-44~~

33 ~~Community Colleges~~

34 [CHAPTER 16-44](#)

1 COMMUNITY COLLEGES

2 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

3 SECTION 56. The title of Chapter 16-45 of the General Laws entitled "REGIONAL
4 VOCATIONAL SCHOOLS" is hereby amended to read as follows:

5 ~~CHAPTER 16-45~~

6 ~~Regional Vocational Schools~~

7 CHAPTER 16-45

8 REGIONAL VOCATIONAL SCHOOLS

9 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

10 SECTION 57. Section 16-45-6.1 of the General Laws in Chapter 16-45 entitled
11 "Regional Vocational Schools" is hereby amended to read as follows:

12 **16-45-6.1. Career and technical education.** -- (a) The general assembly finds that career
13 and technical education programs that meet rigorous industry standards and prepare Rhode
14 Island's students to succeed in a wide variety of employment settings are a critical component of
15 the state's public education system and a necessary element of the state's economic development.

16 (b) The general assembly further finds that the proportion of students now enrolled in
17 such programs is inadequate. Therefore, all Rhode Island school districts shall file a plan with the
18 Commissioner of Elementary and Secondary Education no later than January 1, 2006 setting forth
19 the means through which no fewer than forty (40) percent of their students enrolled in grades nine
20 (9) through twelve (12) shall be provided the opportunity to enroll in career and technical
21 programming that is certified by the Rhode Island Department of Education as meeting industry
22 standards by September 2007.

23 (c) To facilitate the development of additional career and technical program offerings for
24 Rhode Island students that meet industry standards the department of elementary and secondary
25 education shall, in furtherance of the reports and studies that have been developed since 2000
26 setting forth recommendations for an updated system of career and technical education for the
27 State of Rhode Island, develop a system design that includes site assessments of all current career
28 and technical programs and sets forth standards and procedures for the department of elementary
29 and secondary education to approve programs that are developed in cooperation with business,
30 industry and postsecondary institutions. The department shall also develop a system design for
31 three additional state operated career and technical schools, in addition to the William H. Davies
32 School and the Metropolitan Career and Technical Center, including recommendations for a
33 model for the siting, building costs, operational costs and program design for each such school.
34 The general assembly shall appropriate funds to the department for purposes of their completion

1 of the system design for the statewide program approval process to industry standards and the
2 development of the models, siting and program design of the three (3) additional state operated
3 career and technical schools.

4 SECTION 58. The title of Chapter 16-45.1 of the General Laws entitled "CAREER AND
5 TECHNICAL EDUCATION" is hereby amended to read as follows:

6 ~~CHAPTER 16-45.1~~

7 ~~Career and Technical Education~~

8 CHAPTER 16-45.1

9 CAREER AND TECHNICAL EDUCATION

10 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

11 SECTION 59. The title of Chapter 16-52 of the General Laws entitled
12 "MAINTENANCE OF ORDER ON CAMPUS" is hereby amended to read as follows:

13 ~~CHAPTER 16-52~~

14 ~~Maintenance of Order on Campus~~

15 CHAPTER 16-52

16 MAINTENANCE OF ORDER ON CAMPUS

17 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

18 SECTION 60. The title of Chapter 16-53 of the General Laws entitled "RHODE
19 ISLAND STATE ADVISORY COUNCIL FOR TECHNICAL VOCATIONAL EDUCATION"
20 is hereby amended to read as follows:

21 ~~CHAPTER 16-53~~

22 ~~Rhode Island State Advisory Council for Technical Vocational Education~~

23 CHAPTER 16-53

24 RHODE ISLAND STATE ADVISORY COUNCIL FOR TECHNICAL VOCATIONAL

25 EDUCATION

26 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

27 SECTION 61. The title of Chapter 16-54 of the General Laws entitled "EDUCATION
28 OF LIMITED ENGLISH PROFICIENT STUDENTS" is hereby amended to read as follows:

29 ~~CHAPTER 16-54~~

30 ~~Education of Limited English Proficient Students~~

31 CHAPTER 16-54

32 EDUCATION OF LIMITED ENGLISH PROFICIENT STUDENTS

33 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

34 SECTION 62. The title of Chapter 16-57 of the General Laws entitled "HIGHER

1 EDUCATION ASSISTANCE AUTHORITY" is hereby amended to read as follows:

2 ~~CHAPTER 16-57~~

3 ~~Higher Education Assistance Authority~~

4 CHAPTER 16-57

5 HIGHER EDUCATION ASSISTANCE AUTHORITY

6 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

7 SECTION 63. Section 16-57-10 of the General Laws in Chapter 16-57 entitled "Higher
8 Education Assistance Authority" is hereby amended to read as follows:

9 **16-57-10. Reserve funds.** -- (a) To assure the continued operation and solvency of the
10 authority for the carrying out of its corporate purposes, the authority may create and establish any
11 reserve funds as may be necessary or desirable for its corporate purposes, and may pay into the
12 funds any money appropriated and made available by the state, the commissioner, or any other
13 source for the purpose of the funds, and any money collected by the authority as fees for the
14 guaranty of eligible loans.

15 (b) To assure continued solvency of the authority, the authority's operating fund shall be
16 used solely for the ordinary operating expenses of the authority. Furthermore, it is the intent of
17 the general assembly that these funds eventually be used to increase financial assistance to Rhode
18 Island students in the form of scholarships and grants.

19 SECTION 64. The title of Chapter 16-59 of the General Laws entitled "BOARD OF
20 GOVERNORS FOR HIGHER EDUCATION" is hereby amended to read as follows:

21 ~~CHAPTER 16-59~~

22 ~~Board of Governors for Higher Education~~

23 CHAPTER 16-59

24 BOARD OF GOVERNORS FOR HIGHER EDUCATION

25 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

26 SECTION 65. The title of Chapter 16-60 of the General Laws entitled "BOARD OF
27 REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION" is hereby amended to
28 read as follows:

29 ~~CHAPTER 16-60~~

30 ~~Board of Regents for Elementary and Secondary Education~~

31 CHAPTER 16-60

32 BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION

33 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

34 SECTION 66. The title of Chapter 16-61 of the General Laws entitled "RHODE

1 ISLAND PUBLIC TELECOMMUNICATIONS AUTHORITY" is hereby amended to read as
2 follows:

3 ~~CHAPTER 16-61~~

4 ~~Rhode Island Public Telecommunications Authority~~

5 CHAPTER 16-61

6 RHODE ISLAND PUBLIC TELECOMMUNICATIONS AUTHORITY

7 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

8 SECTION 67. The title of Chapter 16-63 of the General Laws entitled "ADULT
9 EDUCATION" is hereby amended to read as follows:

10 ~~CHAPTER 16-63~~

11 ~~Adult Education~~

12 CHAPTER 16-63

13 ADULT EDUCATION

14 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

15 SECTION 68. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled
16 "Residence of Children for School Purposes" is hereby amended to read as follows:

17 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
18 **foster care, group homes, or other residential facility by a Rhode Island state agency. --** (a)

19 Children placed in foster care by a Rhode Island licensed child placing agency or a Rhode Island
20 governmental agency shall be entitled to the same free appropriate public education provided to
21 all other residents of the city or town where the child is placed. The city or town shall pay the cost
22 of the education of the child during the time the child is in foster care in the city or town.

23 (b) Children placed by DCYF in a group home or other residential facility that does not
24 include the delivery of educational services are to be educated by the community in which the
25 group home or other residential facility is located, and those children shall be entitled to the same
26 free appropriate public education provided to all other residents of the city or town where the
27 child is placed. For purposes of payment and reimbursement for educational costs under this
28 chapter, the term "group home or other residential facility" shall not include independent living
29 programs. Each city and town that contains one or more group homes or other residential
30 facilities that do not include delivery of educational services will receive funds as part of state aid
31 to education in accordance with the following provisions:

32 (1) On December 31 of each year the DCYF shall provide the department of elementary
33 and secondary education with a precise count of how many group home or other residential
34 facility "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities

1 that do not include the delivery of educational services. The number of "beds" in each group
2 home or other residential facility shall be equal to the maximum number of children that may be
3 placed in that group home or other residential facility on any given night according to the
4 applicable licensure standards of the DCYF.

5 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by the
6 Department of Children, Youth and Families for a school district by December 31, 2007 is greater
7 than the number certified March 14, 2007 upon which the education aid for FY 2008 was
8 appropriated, the education aid for that district will be increased by the number of increased beds
9 multiplied by fifteen thousand dollars (\$15,000). Notwithstanding the provisions of this section or
10 any law to the contrary, the education aid for all group home or other residential facility "beds"
11 located or associated with the Children's Residential and Family Treatment (CRAFT) program
12 located on the East Providence campus of Bradley Hospital shall be twenty-two thousand dollars
13 (\$22,000) per bed. The Department of Elementary and Secondary Education shall include the
14 additional aid in equal payments in March, April, May and June, and the Governor's budget
15 recommendations pursuant to section 35-3-8 shall include the amounts required to provide the
16 increased aid.

17 For all fiscal years beginning after June 30, 2008, education aid for each school district
18 shall include fifteen thousand dollars (\$15,000) for each bed certified by the Department of
19 Children, Youth and Families by the preceding December 31. Notwithstanding the provisions of
20 this section or any law to the contrary, the education aid for all group home or other residential
21 facility "beds" located or associated with the Children's Residential and Family Treatment
22 (CRAFT) program located on the East Providence campus of Bradley Hospital shall be twenty-
23 two thousand dollars (\$22,000) per bed. For all fiscal years beginning after June 30, 2008,
24 whenever the number of beds certified by the Department of Children, Youth and Families for a
25 school district by December 31 is greater than the number certified the prior December 31 upon
26 which the education aid for that fiscal year was appropriated, the education aid for that district as
27 enacted by the assembly during the prior legislative session for that fiscal year will be increased
28 by the number of increased beds multiplied by the amount per bed authorized for that fiscal year.
29 The Department of Elementary and Secondary Education shall include the additional aid in equal
30 payments in March, April, May and June, and the Governor's budget recommendations pursuant
31 to section 35-3-8 shall include the amounts required to provide the increased aid.

32 ~~(3) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]~~

33 ~~(4) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]~~

34 ~~(5) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]~~

1 (c) Children placed by DCYF in a residential treatment program, group home, or other
2 residential facility, whether or not located in the state of Rhode Island, which includes the
3 delivery of educational services, provided by that facility (excluding facilities where students are
4 taught on grounds for periods of time by teaching staff provided by the school district in which
5 the facility is located), shall have the cost of their education paid for as provided for in subsection
6 (d) of this section and section 16-64-1.2. The city or town determined to be responsible to DCYF
7 for a per-pupil special education cost pursuant to section 16-64-1.2 shall pay its share of the cost
8 of educational services to DCYF or to the facility providing educational services.

9 (d) Children placed by DCYF in group homes, child caring facilities, community
10 residences, or other residential facilities shall have the entire cost of their education paid for by
11 DCYF if:

12 (1) The facility is operated by the state of Rhode Island or the facility has a contract with
13 DCYF to fund a pre-determined number of placements or part of the facility's program;

14 (2) The facility is state-licensed; and

15 (3) The facility operates an approved on-grounds educational program, whether or not
16 the child attends the on-grounds program.

17 SECTION 69. The title of Chapter 16-67 of the General Laws entitled "RHODE
18 ISLAND LITERACY AND DROPOUT PREVENTION ACT" is hereby amended to read as
19 follows:

20 ~~CHAPTER 16-67~~

21 ~~Rhode Island Literacy and Dropout Prevention Act~~

22 CHAPTER 16-67

23 RHODE ISLAND LITERACY AND DROPOUT PREVENTION ACT

24 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

25 SECTION 70. The title of Chapter 16-67.1 of the General Laws entitled "RHODE
26 ISLAND HIGH SCHOOL DROPOUT PREVENTION ACT OF 2007" is hereby amended to
27 read as follows:

28 ~~CHAPTER 16-67.1~~

29 ~~Rhode Island High School Dropout Prevention Act of 2007~~

30 CHAPTER 16-67.1

31 RHODE ISLAND HIGH SCHOOL DROPOUT PREVENTION ACT OF 2007

32 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

33 SECTION 71. The title of Chapter 16-69 of the General Laws entitled "60/40 FUNDING
34 OF PUBLIC SCHOOLS" is hereby amended to read as follows:

1 ~~CHAPTER 16-69~~

2 ~~60/40 Funding of Public Schools~~

3 CHAPTER 16-69

4 60/40 FUNDING OF PUBLIC SCHOOLS

5 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

6 SECTION 72. The title of Chapter 16-70 of the General Laws entitled "THE RHODE
7 ISLAND CHILDREN'S CRUSADE FOR HIGHER EDUCATION" is hereby amended to read as
8 follows:

9 ~~CHAPTER 16-70~~

10 ~~The Rhode Island Children's Crusade for Higher Education~~

11 CHAPTER 16-70

12 THE RHODE ISLAND CHILDREN'S CRUSADE FOR HIGHER EDUCATION

13 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

14 SECTION 73. Section 16-71-3 of the General Laws in Chapter 16-71 entitled "The
15 Rhode Island Educational Records Bill of Rights" is hereby amended to read as follows:

16 **16-71-3. Educational records access and review rights -- Confidentiality of records. -**

17 (a) The parent, legal guardian, or eligible student, shall have the following enumerated rights:

18 (1) The right to personally inspect and review records in existence at the time of the
19 request that are required to be kept by law or regulation of the student within ten (10) days of the
20 request. The request shall be made to the school's principal or designated appropriate authority;

21 (2) The right to a reasonable explanation and interpretation of the records;

22 (3) The right to copies of the records. The cost per copied page of written records shall
23 not exceed fifteen cents (\$.15) per page for records copyable on common business or legal size
24 paper. No fee will be assessed to search for or to retrieve the records;

25 (4) The right to have the records preserved as long as a request to inspect is outstanding;

26 (5) The right to request an amendment and/or expungement of the records if the parent or
27 eligible student believes that the information contained in these records is inaccurate, misleading,
28 or in violation of the student's right to privacy; this request shall be made in writing to the
29 appropriate records keeper.

30 (6) The right to place a statement in the record commenting on any contested
31 information in the record. This statement shall be maintained with the contested part of the record
32 for as long as the record is maintained and it shall be disclosed when the portion of the record to
33 which it relates is disclosed;

34 (7) The right to have the records kept confidential and not released to any other

1 individual, agency or organization without prior written consent of the parent, legal guardian or
2 eligible student, except to the extent that the release of the records is authorized by the provisions
3 of 20 U.S.C. section 1232g or other applicable law or court process.

4 (b) Any person aggrieved under this chapter shall have the right to appeal in accordance
5 with the provisions of chapter 39 of this title.

6 ~~(c) [Deleted by P.L. 2004, ch. 97, section 1 and by P.L. 2004, ch. 106, section 1.~~

7 SECTION 74. The title of Chapter 16-72 of the General Laws entitled "RHODE
8 ISLAND CHALLENGE GRANTS ACT" is hereby amended to read as follows:

9 ~~CHAPTER 16-72~~

10 ~~Rhode Island Challenge Grants Act~~

11 CHAPTER 16-72

12 RHODE ISLAND CHALLENGE GRANTS ACT

13 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

14 SECTION 75. The title of Chapter 16-73 of the General Laws entitled "EDUCATION -
15 SOCIAL SERVICES" is hereby amended to read as follows:

16 ~~CHAPTER 16-73~~

17 ~~Education -- Social Services~~

18 CHAPTER 16-73

19 EDUCATION -- SOCIAL SERVICES

20 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

21 SECTION 76. The title of Chapter 16-74 of the General Laws entitled "GUARANTEED
22 STUDENT ENTITLEMENT" is hereby amended to read as follows:

23 ~~CHAPTER 16-74~~

24 ~~Guaranteed Student Entitlement~~

25 CHAPTER 16-74

26 GUARANTEED STUDENT ENTITLEMENT

27 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

28 SECTION 77. The title of Chapter 16-77 of the General Laws entitled
29 "ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS" is hereby amended to read as
30 follows:

31 ~~CHAPTER 16-77~~

32 ~~Establishment of Charter Public Schools~~

33 CHAPTER 16-77

34 ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

1 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

2 SECTION 78. The title of Chapter 16-77.1 of the General Laws entitled "FUNDING OF
3 CHARTER PUBLIC SCHOOLS" is hereby amended to read as follows:

4 ~~CHAPTER 16-77.1~~

5 ~~Funding of Charter Public Schools~~

6 [CHAPTER 16-77.1](#)

7 [FUNDING OF CHARTER PUBLIC SCHOOLS](#)

8 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

9 SECTION 79. The title of Chapter 16-77.2 of the General Laws entitled "DISTRICT
10 CHARTER SCHOOL" is hereby amended to read as follows:

11 ~~CHAPTER 16-77.2~~

12 ~~District Charter School~~

13 [CHAPTER 16-77.2](#)

14 [DISTRICT CHARTER SCHOOL](#)

15 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

16 SECTION 80. The title of Chapter 16-77.3 of the General Laws entitled
17 "INDEPENDENT CHARTER SCHOOLS" is hereby amended to read as follows:

18 ~~CHAPTER 16-77.3~~

19 ~~Independent Charter Schools~~

20 [CHAPTER 16-77.3](#)

21 [INDEPENDENT CHARTER SCHOOLS](#)

22 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

23 SECTION 81. The title of Chapter 16-77.4 of the General Laws entitled "MAYORAL
24 ACADEMIES" is hereby amended to read as follows:

25 ~~CHAPTER 16-77.4~~

26 ~~Mayoral Academies~~

27 [CHAPTER 16-77.4](#)

28 [MAYORAL ACADEMIES](#)

29 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

30 SECTION 82. Section 16-83-3 of the General Laws in Chapter 16-83 entitled "The
31 Rhode Island Middle School Reform Act of 2004" is hereby amended to read as follows:

32 **16-83-3. School committees -- Implementation of policy. --** Every school committee in
33 every city or town shall initiate policy intended to improve the educational performance of its
34 middle schools. Said policy shall include the following criteria:

1 education academic excellence and student access endowment incentive program.

2 (b) This program shall not result in direct or indirect reductions in the state's
3 appropriation to the board of governors for higher education.

4 SECTION 85. The title of Chapter 16-86 of the General Laws entitled "RHODE
5 ISLAND COMMUNITY SUPPORTS ACADEMY" is hereby amended to read as follows:

6 ~~CHAPTER 16-86~~

7 ~~Rhode Island Community Supports Academy~~

8 CHAPTER 16-86

9 RHODE ISLAND COMMUNITY SUPPORTS ACADEMY

10 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

11 SECTION 86. Section 16-86-1 of the General Laws in Chapter 16-86 entitled "Rhode
12 Island Community Supports Academy" is hereby amended to read as follows:

13 **16-86-1. Legislative findings.** -- The general assembly finds and declares as follows:

14 (1) There is a distinct shortage in Rhode Island of workers who are trained and certified
15 to function in direct support of individuals with developmental and/or learning disabilities who
16 have special needs.

17 (2) The Paul V. Sherlock Center ~~on disabilities~~ for Disabilities was established in 1993 at
18 Rhode Island College for the express purpose of supporting community membership for
19 individuals with disabilities in school, work and society.

20 SECTION 87. The title of Chapter 16-90 of the General Laws entitled "HIGH SCHOOL
21 OUTCOMES IMPROVEMENT ACT OF 2009" is hereby amended to read as follows:

22 ~~CHAPTER 16-90~~

23 ~~High School Outcomes Improvement Act of 2009~~

24 CHAPTER 16-90

25 HIGH SCHOOL OUTCOMES IMPROVEMENT ACT OF 2009

26 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

27 SECTION 88. The title of Chapter 16-93 of the General Laws entitled "GENOCIDE
28 EDUCATION IN SECONDARY SCHOOLS" is hereby amended to read as follows:

29 ~~CHAPTER 16-93~~

30 ~~Genocide Education in Secondary Schools~~

31 CHAPTER 16-93

32 GENOCIDE EDUCATION IN SECONDARY SCHOOLS

33 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

34 SECTION 89. Section 16-93-3 of the General Laws in Chapter 16-93 entitled "Genocide

1 Education in Secondary Schools" is hereby amended to read as follows:

2 **16-93-3. Powers and duties.** -- The state shall adhere to the following procedures:

3 ~~(+)~~ The department of education shall make available on its website curriculum materials
4 and such other materials as may assist local and regional school committees in developing
5 instructional programs pursuant to this section. The curriculum materials may include information
6 on relevant genocides, including the Holocaust, Armenia, Cambodia, Iraq, Rwanda, and Darfur.

7 SECTION 90. The title of Chapter 16-94 of the General Laws entitled "THE RHODE
8 ISLAND FAMILY ENGAGEMENT ADVISORY COUNCIL" is hereby amended to read as
9 follows:

10 ~~CHAPTER 16-94~~

11 ~~The Rhode Island Family Engagement Advisory Council~~

12 CHAPTER 16-94

13 THE RHODE ISLAND FAMILY ENGAGEMENT ADVISORY COUNCIL

14 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

15 SECTION 91. The title of Chapter 16-95 of the General Laws entitled "THE
16 RECOVERY HIGH SCHOOLS ACT" is hereby amended to read as follows:

17 ~~CHAPTER 16-95~~

18 ~~The Recovery High Schools Act~~

19 CHAPTER 16-95

20 THE RECOVERY HIGH SCHOOLS ACT

21 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

22 SECTION 92. The title of Chapter 16-96 of the General Laws entitled "THE COLLEGE
23 AND CAREER SUCCESS FOR ALL STUDENTS ACT" is hereby amended to read as follows:

24 ~~CHAPTER 16-96~~

25 ~~The College and Career Success for All Students Act~~

26 CHAPTER 16-96

27 THE COLLEGE AND CAREER SUCCESS FOR ALL STUDENTS ACT

28 [See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act]

29 SECTION 93. The title of Chapter 16-98 of the General Laws entitled "ACCESS TO
30 ADVANCED PLACEMENT COURSES FOR ALL STUDENTS ACT" is hereby amended to
31 read as follows:

32 ~~CHAPTER 16-98~~

33 ~~Access to Advanced Placement Courses for All Students Act~~

34 CHAPTER 16-98

1 [ACCESS TO ADVANCED PLACEMENT COURSES FOR ALL STUDENTS ACT](#)

2 [\[See Title 16 Chapter 97 -- The Rhode Island Board Of Education Act\]](#)

3 SECTION 94. Section 17-9.1-31 of the General Laws in Chapter 17-9.1 entitled
4 "Registration of Voters" is hereby amended to read as follows:

5 **17-9.1-31. Voter registration advisory board.** -- (a) The state board of elections shall
6 establish a voter registration advisory board, subsequently referred to as the advisory board, to
7 assist in the drafting of regulations and the monitoring of implementation of the National Voter
8 Registration Act of 1993, 42 U.S.C. section 1973gg et seq., and to help recruit and train the
9 volunteer registrars. The advisory board shall issue an annual report to the state board, governor,
10 and general assembly on its activities.

11 (b) The advisory board shall consist of eighteen (18) members. The governor shall
12 appoint one member from the League of Women Voters, one member of the Urban League, one
13 member of Common Cause, one member of Ocean State Action, one member of the National
14 Association for the Advancement of Colored People, one member of the R.I. Black Caucus of
15 State Legislators, and one representative of a state employees' union. The speaker of the house
16 shall appoint two (2) members, not more than one from the majority party. The president of the
17 senate shall appoint two (2) members, not more than one from the majority party. In addition, the
18 following shall be members: the secretary of state or her or his designee; the directors or their
19 designees of the division of motor vehicles, the department of human services, the department of
20 health, and [the department of behavioral healthcare, developmental disabilities and hospitals](#)
21 ~~department of mental health, retardation, and hospitals~~; and the chairpersons or their designees of
22 the governor's commission on disabilities and the governor's commission on Hispanic affairs. The
23 members shall annually elect a chairperson and other officers as are necessary.

24 (c) Of the number of members originally appointed under this section, one-third (1/3)
25 shall be appointed for a term of one year to be chosen by lot; one-third (1/3) shall be appointed
26 for a term of two (2) years, to be chosen by lot; and one-third (1/3) shall be appointed for a term
27 of three (3) years, to be chosen by lot. Thereafter, vacancies created by expiration of terms shall
28 be filled with appointments for terms of three (3) years. Members whose terms expire may be
29 reappointed to succeed themselves. The members of the advisory board shall receive no
30 compensation for their services, but may, at the discretion of the governor, be reimbursed for
31 traveling and other expenses actually incurred in the performance of their official duties.

32 SECTION 95. Section 17-11-12.1 of the General Laws in Chapter 17-11 entitled "Voting
33 Districts and Officials" is hereby amended to read as follows:

34 **17-11-12.1. High school election officials.** -- (a) Notwithstanding any other general law

1 to the contrary, and in order to provide for a greater awareness of the elections process, the rights
2 and responsibilities of voters and the importance of participating in the electoral process, as well
3 as to provide additional workers, an elections official may appoint not more than five (5) students
4 per ward, and/or precinct to serve under the direct supervision of ward, and/or precinct board
5 members designated by the elections official. A student may be appointed, notwithstanding lack
6 of eligibility to vote, subject to the approval of the educational institution in which the student is
7 enrolled, if the student possesses the following qualifications:

8 (1) Is at least sixteen (16) years of age at the time of the election to which he or she is
9 serving as a member of a ward, and/or precinct board.

10 (2) Is a United States citizen or will be a citizen at the time of the election to which he or
11 she is serving as a member of a ward, and/or precinct board.

12 (3) Is a student in good standing attending a public or private secondary educational
13 institution.

14 (4) Is a junior or senior and has a grade point average of at least 2.5 on a 4.0 scale.

15 ~~(e)~~(b) A student appointed pursuant to this section may not be used to tally votes.

16 SECTION 96. Section 17-12.1-14 of the General Laws in Chapter 17-12.1 entitled
17 "Primaries for Election of Delegates to National Conventions and for Presidential Preference" is
18 hereby amended to read as follows:

19 **17-12.1-14. Recount.** -- (a) Upon application, the state board of elections shall conduct a
20 recount for a presidential candidate or delegate for a winning candidate when there is a two
21 hundred (200) or less vote difference between the losing candidate or delegate and the winner.
22 Said recount shall be conducted by re-reading the programmed memory device or devices and
23 comparing the results and totals obtained at such recount with the results and totals obtained on
24 election night.

25 (b) The state board shall have the authority to adopt rules and regulations to implement
26 and administer the provisions of this section.

27 SECTION 97. Section 17-19-39.1 of the General Laws in Chapter 17-19 entitled
28 "Conduct of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

29 **17-19-39.1. Voted ballot storage and security.** -- (a) Voted computer ballots that were
30 counted at the state board shall be stored in containers by the state board until the expiration of
31 twenty-two (22) months from the date of election and voted computer ballots that were voted and
32 packaged at a local precinct or counted at the local board shall be held and stored in containers by
33 the local board in accordance with the regulations promulgated by the state board until the
34 expiration of twenty-two (22) months from the date of election. The voted ballots shall remain

1 stored in the appropriate containers unless ordered to be opened by the state board or a court of
2 law. The computer file containing ballot layout information and candidate totals shall be
3 transferred to a disk and retained permanently.

4 (b) Notwithstanding the requirements of this section, the state board shall have the
5 authority to examine and inspect the voted ballots subsequent to the certification of an election.

6 SECTION 98. Section 17-25.3-2 of the General Laws in Chapter 17-25.3 entitled
7 "Independent Expenditures and Electioneering Communications" is hereby amended to read as
8 follows:

9 **17-25.3-2. Optional use of separate campaign-related account by person, business**
10 **entity or political action committee for independent expenditures, electioneering**
11 **communications, and covered transfers.** -- (a)(1)(i) A person, business entity or political action

12 committee may make disbursements for independent expenditures, electioneering
13 communications, or covered transfers using amounts from a bank account established and
14 controlled by the person, business entity or political action committee to be known as the separate
15 campaign-related account (hereafter in this section referred to as the "account"), which shall be
16 maintained separately from all other accounts of the person, business entity or political action
17 committee and which shall consist exclusively of funds that were paid directly to such account by
18 one or more person, business entity, or political action committee other than the person, business
19 entity, or political action committee that controls the account. A person, business entity, or
20 political action committee shall not make transfers from its general treasury into an account
21 established under this section that such person, business entity, or political action committee
22 controls.

23 (ii)(b) Mandatory use of account after establishment. - If a person, business entity or
24 political action committee establishes an account under this section, it may not make
25 disbursements for independent expenditures, electioneering communications, or covered transfers
26 from any source other than amounts from the account.

27 (ii)(c) Exclusive use of account for independent expenditures, electioneering
28 communications, and covered transfers. Amounts in the account shall be used exclusively for
29 disbursements by the person, business entity or political action committee for independent
30 expenditures, electioneering communications, or covered transfers. After such disbursements are
31 made, information with respect to deposits made to the account shall be disclosed in accordance
32 with subsection 17-25.3-1(f).

33 SECTION 99. Section 17-28-6 of the General Laws in Chapter 17-28 entitled "Address
34 Confidentiality for Victims of Domestic Violence" is hereby amended to read as follows:

1 **17-28-6. Disclosure of address prohibited -- Exceptions.** -- The secretary of state may
2 not make a program participant's address, other than the address designated by the secretary of
3 state, available for inspection or copying, except under the following circumstances:

4 ~~(a)~~(1) If requested by a law enforcement agency, to the law enforcement agency;

5 ~~(b)~~(2) If directed by a court order, to a person identified in the order; and

6 ~~(c)~~(3) If certification has been canceled.

7 SECTION 100. Section 18-9.2-5 of the General Laws in Chapter 18-9.2 entitled
8 "Qualified Dispositions in Trust" is hereby amended to read as follows:

9 **18-9.2-5. Persons not subject to qualified dispositions.** -- Notwithstanding the
10 provisions of section 18-9.2-4, this chapter shall not apply to defeat a claim brought by:

11 ~~(a)~~(1) Any person to whom the transferor is indebted on or before the date of a qualified
12 disposition on account of an agreement or order of court for the payment of support or alimony in
13 favor of the transferor's spouse, former spouse or children, or for a division or distribution of
14 property in favor of the transferor's spouse or former spouse, but only to the extent of the debt; or

15 ~~(b)~~(2) To any person who suffers death, personal injury, or property damage on or before
16 the date of a qualified disposition by a transferor, which death, personal injury, or property
17 damage is at any time determined to have been caused in whole or in part by the tortious act or
18 omission of either the transferor or by another person for whom the transferor is or was
19 vicariously liable but only to the extent of such claim against such transferor or other person for
20 whom such transferor is or was vicariously liable.

21 SECTION 101. Section 34-42-4 of the General Laws in Chapter 34-42 entitled "Self-
22 Service Storage Facilities" is hereby amended to read as follows:

23 **34-42-4. Enforcement of owner's lien.** -- (a) After default, an owner may deny an
24 occupant access to the storage space, terminate the right of the occupant to use the storage space,
25 enter the storage space and remove any personal property found therein to a place of safekeeping,
26 and enforce its lien by selling the stored property at a public or private sale, in accordance with
27 the following procedure:

28 (1) No sooner than five (5) days after default, but before the owner takes any action to
29 enforce its lien, the occupant and all other persons known to claim an interest in the personal
30 property stored shall be notified. The notice shall be delivered in person or by regular mail to the
31 last known address of the person or persons to be notified, or by verified electronic mail, to the
32 person or persons to be notified. This notice shall include the current balance due with a reminder
33 to bring the past due balance current or risk the action of the owner to enforce the owner's lien.

34 (2) No sooner than fourteen (14) days after default, the occupant shall again be notified.

1 The notice shall be delivered in person or sent by regular or verified electronic mail, to the person
2 or persons to be notified. The notice shall include:

- 3 (i) A statement of the claim showing the sums due at the time of the notice;
- 4 (ii) A statement that, based on the default, the owner has the right to deny the occupant
5 access to the leased space;
- 6 (iii) A general description of the personal property subject to the lien if known;
- 7 (iv) A demand for payment of the claim by a specified date not less than fourteen (14)
8 days after mailing of the notice pursuant to subdivision (2);
- 9 (v) A conspicuous statement that unless the claim is paid by the specified date, the
10 occupant's right to use the storage space will terminate, and the personal property will be
11 advertised for sale or will be otherwise disposed of at a specified time and place; and
- 12 (vi) The name, street address, and telephone number of the owner who the occupant may
13 contact to respond to the notice.

14 ~~(3) If the owner is not able to obtain personal service on those persons entitled to notice
15 or if the certified mail return receipt is not signed by the person to whom notice must be sent then
16 the owner shall be required to give notice by publication once a week for three (3) successive
17 weeks in a newspaper of general circulation in the city or town where the person to receive the
18 notice was last known to reside.~~

19 ~~(4) When notice is by publication, the notice does not have to include an itemized
20 statement of the claim but only a statement as to the amount of money due or the time of the final
21 notice, nor is a general description of the personal property subject to the lien required. The
22 demand for payment of the claim by a specified date shall set forth a date no less than thirty (30)
23 days after the date of the published notice.~~

24 (b) No sooner than one day after default, the owner may deny the occupant access to the
25 leased space in a reasonable and peaceful manner.

26 (c) After expiration of the time given in the second (2nd) notice, if the claim has not
27 been paid in full as demanded, the occupant's right to use the storage space terminates, and the
28 owner may enter the storage space and remove any personal property found therein to a place of
29 safekeeping.

30 (d) After expiration of the time given in the second (2nd) notice, if the claim has not
31 been paid in full as demanded and the owner wishes to sell the personal property to satisfy its
32 lien, an advertisement of the sale must be published once a week for two (2) consecutive weeks
33 on a publicly accessible website identified in the rental agreement. The advertisement must
34 include the name of the person on whose account it is being stored and the time and place of sale.

1 The sale must take place no sooner than ten (10) days after the first publication.

2 (e) The sale shall be held at the self-service storage facility or the nearest suitable place
3 and it shall conform to the terms of the notification.

4 (f) Before a sale of personal property, any person claiming a right to the personal
5 property may pay the amount necessary to satisfy the lien and the reasonable expenses incurred
6 by the owner to redeem the personal property. Upon receipt of this payment, the owner shall
7 release the personal property to the payor and have no further liability to any person with respect
8 to the personal property.

9 (g) The owner may buy at any sale of personal property pursuant to this section to
10 enforce the owner's lien.

11 (h) A purchaser in good faith of the personal property sold to enforce the owner's lien
12 takes the personal property free of any rights of persons against whom the lien was valid, despite
13 noncompliance by the owner with the requirements of this section.

14 (i) The owner may satisfy its lien from the proceeds of any sale pursuant to this section
15 but must hold the balance, if any, for delivery on demand to any person to whom it would have
16 been bound to deliver the personal property. If the other party does not claim the balance of the
17 proceeds within two (2) years of the date of the sale, it shall eschew to the state.

18 (j) The owner shall be liable for damages caused by failure to comply with the
19 requirements for sale under this section and in case of willful violation is liable for conversion.

20 (k) The owner shall not be liable for identity theft or other harm resulting from the
21 misuse of information contained within the contents of the occupant's storage space, which are
22 sold or otherwise disposed of to satisfy the owner's lien.

23 (l) If the personal property in the leased space is a motor vehicle, watercraft, trailer,
24 motorcycle, RV or any other titled vehicle, the owner may have it towed with no liability on its
25 part.

26 SECTION 102. Section 37-2.2-2 of the General Laws in Chapter 37-2.2 entitled
27 "Disability Business Enterprises" is hereby amended to read as follows:

28 **37-2.2-2. Definitions.** -- As used in this chapter, the following words and phrases shall
29 have the following meanings unless the context shall indicate another or different meaning or
30 intent:

31 (1) "Persons with disabilities" or "person with a disability" shall mean any individual
32 who has a physical or mental impairment which constitutes a substantial barrier to employment as
33 certified by the [department of human services or the](#) department of behavioral healthcare,
34 developmental disabilities and hospitals.

1 (2) "Small disadvantaged businesses owned and controlled by persons with disabilities "
2 shall mean small business concern, which is at least fifty-one percent (51%) owned by one or
3 more person(s) with disabilities or, in the case of a publicly owned business, at least fifty-one
4 percent (51%) of the stock of which is owned by one or more disabled person, whose
5 management and daily business operations are controlled by one or more person(s) with
6 disabilities, and have fifty or fewer employees.

7 (3) "A physical or mental impairment" shall mean any physiological disorder or
8 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body
9 systems: neurological; musculoskeletal; special sense organs; respiratory, including speech
10 organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and
11 endocrine; or any mental psychological disorder, such as mental retardation, organic brain
12 syndrome, emotional or mental illness, and specific learning disabilities.

13 SECTION 103. This act shall take effect upon passage.

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LC01524/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act is the annual statutory construction bill, prepared based upon recommendations
2 of the Law Revision Office. The act would make technical changes and revisions to various
3 general laws.

4 This act would take effect upon passage.

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LC01524/SUB A
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