

An UNOFFICIAL COMPILATION of the CHARIHO ACT
January, 2009

This compilation of the 1958 statute that created the Chariho Regional School District and subsequent amendments to that statute was created by legal counsel for the three Chariho towns and legal counsel for the District, rather than by the General Assembly's Legislative Council, and therefore is an unofficial compilation. The compilers have added footnotes and endnotes to explain evident inconsistencies and typographical errors in the many legislative amendments to the original statute. An index has been added to help the reader locate sections.

1958 R.I. Public Laws, Chapter 55
as amended by 1986 R.I. Public Laws Chapter 286
as amended through January 2007 Session

An Act Authorizing the Towns of Charlestown, Richmond and Hopkinton to Join a Regional School District, Incorporating said Regional School District, and Providing for the Issuance of Bonds, Construction and Operation of a Regional School System for the Joint Use of the Participating Towns within said Regional School District Established by this Act.

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SECTION 1. There shall be held in each of the towns of Charlestown, Richmond and Hopkinton, within seventy (70) days after the adoption of this act, a special election at which the electors of said towns qualified to vote upon a proposition to impose a tax or for the expenditure of money shall be qualified to vote and called upon to vote upon a question submitted in

substantially the following form: “Shall an act passed at the January, 1986 session of the General Assembly amending Public Laws, 1958, Chapter 55 as amended and authorizing the Towns of Charlestown, Richmond and Hopkinton to join in a regional school district, kindergarten through grade 12, and providing for the issuance of bonds in the amount of not more than 12.9 million dollars, construction of a middle school, and renovations to its existing high school be approved?”

For the purpose of holding such special election on said question there shall be issued in each town a warning such as that which is prescribed by law for the calling of a special financial town meeting which shall contain notice of the proposal to accept this act, and shall state the day, the place, and the laws for casting ballots upon the said question. On the date set for the special election by the town council of the respective towns there shall be established in each said town at least one (1) polling place and each such polling place shall be open for the casting of ballots on the question from nine A.M. (9:00) until nine P.M. (9:00). The town clerk of each town shall forthwith after each such special election in the respective towns notify the secretary of state of the results of said special election and the requirement that the voting list be posted at least twenty (20) days before the election shall not be applicable; and requirement that the local board, as defined in section 17-8-1 of the general laws, shall be in its office for the purpose of receiving registration of voters between the sixty-third and sixtieth day preceding the election shall not be applicable.

SECTION 2. The towns of Charlestown, Richmond and Hopkinton, upon the approval of the provisions of this act at a special election held in accordance with section 1 of this act, jointly together are hereby incorporated into a regional school district as a body corporate and politic for but not restricted to the following purposes, viz:

- (1) To adopt a name and to adopt and use a corporate seal.
- (2) To sue and be sued in its corporate name to the same extent as incorporated towns of this state.
- (3) To acquire, take over, operate and control all regional schools including lands, buildings, equipment, furnishings and supplies for the same, for the joint and common use of the

member towns incorporated into the said regional school district, for the education of pupils attending grades kindergarten through 12 inclusive, and with all the powers and duties pertaining to education and schools conferred by law in this state upon towns generally, including the power of eminent domain to take lands for school site purposes, provided, that the amount of the same at any one (1) taking may be more than five (5) but not more than thirty (30) acres.

(4) To dispose of real or personal property by sale, lease or gift whenever such disposal is determined to be in the best interest of the regional high school district, as hereinafter provided.

(5) The regional school district herein shall be authorized to lease from the respective towns, Charlestown, Richmond and Hopkinton, for the sum of one dollar (\$1.00) per year, existing school buildings and the land upon which they are sited presently owned by the respective towns, and the said towns shall retain title to said buildings and land. The regional school district will assume and pay for all maintenance, upkeep and operation of the buildings leased by it from the respective towns.

SECTION 3. The regional school district incorporated hereunder is hereby authorized and empowered to issue from time to time under its corporate name and seal additional bonds to an amount not exceeding twelve million nine hundred thousand dollars (\$12,900,000), said bonds being in addition to those bonds authorized in chapter 55 of the Public Laws of 1958. The principal of said bonds and the interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The first installment of principal shall be paid not later than three (3) years and the last installment to be paid not later than twenty-five (25) years after the date of such bonds.

SECTION 4. Said bonds shall be signed by the treasurer and the chairperson of the regional school district committee, respectively, and shall be issued and sold at not less than par and at such maturities, denominations, interest rates and other terms, conditions and details as the regional school district committee may determine from time to time.

Coupons shall bear the facsimile signature of the treasurer and the chairperson of the regional school district committee. The premiums, if any, arising from the sale of said bonds shall be applied to the payment of the cost of preparing, issuing and marketing them, and any

balance of such premiums shall be applied to the payment of the principal of said bonds in the order of their maturity.

The proceeds arising from the sale of said bonds shall be delivered to the treasurer of the regional school district, and such proceeds, except as hereinbefore provided in respect to the premiums arising from the sale of the bonds shall be expended for the purpose of constructing a regional middle school for the joint use of the member towns as provided for in section 2 hereof, or in payment of the principal of, or interest on temporary notes issued under the provisions of section 5 hereof. No purchaser of any bonds or notes issued under this act, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof.¹

SECTION 5. The regional school district committee is hereby authorized to issue and sell from time to time such interest bearing or discounted notes to an amount not exceeding the aggregate amount of bonds which it is authorized to issue under section 3 hereof as it may determine for the purpose specified in section 4 of this act. Such notes shall be issued and sold at such terms, conditions, and details as the regional school district committee may determine by resolution. Such notes shall bear the signature of the treasurer and chairperson of the regional school district committee, and shall be payable within five (5) years from their date of issue, but of² the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided that the period from the date of the original note to the maturity date of any note issued to renew or pay the same debt or interest thereon shall not exceed five (5) years.

SECTION 5A. To procure funds to pay the construction or operating costs of the regional school district, said district through its regional school district committee is hereby authorized in any fiscal year to borrow temporarily in anticipation of the funds to be received from the member towns under section 15(9) of this act during such fiscal year, by the issuance of

¹ 1988 R.I. Pub. L. ch. 40 inserted “denominations” into the first sentence of Sec. 4 by reproducing the first paragraph of Sec. 4 with the word “denominations” underlined. The statute did not reproduce the second and third paragraphs of Sec. 4.

² The word “of” appears in the original.

temporary notes of said district, in an amount which, together with any money borrowed in anticipation of funds due the district in any prior fiscal year which may remain unpaid, shall not exceed in the aggregate the total amounts due from the member towns during the then current fiscal year. Notes issued under authority of this section shall be made payable not later than one (1) year from their date, but may be renewed or paid by the issue of new notes bearing such notation and payable not later than one (1) year from the date of the original notes so renewed or paid. Said notes shall be signed by the treasurer and chairperson of said committee and may not be sold at less than par and shall bear interest at such rates or may be sold at such discount as may be determined by said committee, the discount to be treated as interest paid in advance.

SECTION 6. All bonds and all temporary notes issued under the provisions of this act and the debts evidenced thereby shall be obligatory on the regional school district in the same manner and to the same extent as such debts are obligatory under the laws of this state on incorporated towns of this state and such debt evidenced by said bonds or notes shall not be construed at any time to form a part of the debt of any individual town which is a member of the district for the purpose of ascertaining the borrowing capacity of such town, nor shall said debt contracted by the regional school district under such bonds or notes in any way apply to the operation of section 45-12-2 of the general laws, as amended, in respect to any member town. The regional school district shall annually appropriate a sum sufficient to pay the principal and interest on any bonds maturing in any such year until the bonds and the interest thereon are paid in full.

SECTION 7. Any bonds or notes issued under the provisions of this act, and coupons on any bonds, if properly executed by officers of the regional school district in office on the date of execution shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

SECTION 8. Notwithstanding the foregoing provisions in this act no bonds or notes shall be issued hereunder in excess of amounts approved from time to time by vote of a majority of the electors present entitled to vote and voting on the question at an annual or special meeting of the regional high school district. Upon such vote of approval of an amount of bonds, unless

the issuance of temporary notes shall be specifically prohibited by the terms of said vote, temporary notes shall be issuable under section 6 hereof to the same amount.³

SECTION 9. (1) The annual regional district meeting shall be held on the first Tuesday in March of each year at 7:30 P.M. beginning with the first Tuesday in March A.D. 1988, at the regional high school or at such other place as the regional school district committee may publicly designate in advance. Special meetings may be called by the regional school district committee in accordance with conditions governing the calling of town meetings generally as prescribed by the laws of this state or by a petition signed by two hundred (200) qualified voters of the said district qualified to vote on the question of the imposition of a tax for the expenditure of money in their respective towns when such petition contains the purpose or purposes for which such special meeting is to be called and when such purpose and petition, duly certified by the town clerks of the member towns as to the qualification to vote of the persons signing the petition has been delivered to the clerk of the regional school district committee. All voters qualified in their respective towns to vote at the financial town meeting next preceding the annual or special district meeting shall be eligible to attend and vote at said annual or special regional school district meeting and also all voters qualified to vote in their respective towns and [on]⁴ any proposition for the imposition of a tax or for the expenditure of money shall be eligible to attend and vote at any regular or special regional school district meeting, even though such voter was not qualified to vote in the financial meeting next preceding the annual or special district meeting, providing such voter shall be certified as meeting such qualifications by the chairperson of the board of canvassers and registration of the town of which such voter claims he has the said right to vote and for which such latter purpose the chairperson of the board of canvassers and registration of the said member towns or the majority of the board of canvassers and registration of the said member towns shall be present at all meetings of the Chariho district to consider the application of such voters demanding the right to vote at any meeting of the Chariho Regional School District.

³ 1986 R.I. Pub L. ch. 286 § 3 says: "Section 8 of chapter 55 of the public laws, 1958 . . . is hereby repealed wherever inconsistent with this act."

⁴ The original reads ". . . their respective towns and any . . ."

(2) The moderator of the regional school district meeting beginning with the annual meeting of said district held in the year 1971, shall be duly elected or appointed moderator of one of the member towns, alternating each year beginning with the moderator from the town of Charlestown and the next year the moderator from the town of Hopkinton and the next year from the town of Richmond, and so on consecutively alternating in that order and manner, and in case of special meetings of said district the moderator for the annual meeting of the year in which the special meeting shall be held, shall be the same moderator as the moderator who presided at the annual meeting of that year of said district meeting; and in the event that the moderator who should preside at any regular or special meeting of said district is absent from said meeting, a moderator shall be elected by a majority vote of said meeting, and in such absence of the moderator the meeting shall be called to order by the chairperson of the said regional school district committee; and in no event shall the chairperson of said regional school district committee or any member thereof be elected as moderator; and the clerk of the meeting shall be the clerk of the said committee.

(3) At the annual regional school district meeting the school committee shall conduct a public hearing concerning the proposed budget and any citizen present and qualified to vote at the annual regional district meeting may be heard with respect to the proposed budget.

(4) A quorum for the regional school district meeting, for either regular or special meetings shall be seventy-five (75) qualified voters, and such quorum shall consist of not less than twenty-five (25) qualified voters from each member town.

(5) No action shall be taken with respect to the purchase of land, the construction of buildings and the extension of the scope of functions of the regional school district except upon a majority vote of voters of the respective member towns as set forth in section 1 hereof.

Nothing in this act shall prohibit a member town from floating bonds for school construction purposes and leasing those facilities to the district. The financial responsibility for retiring these construction bonds will rest with the individual town performing the construction.

(6) All regional school district meetings shall be called and warned by written notices signed by the clerk and chairperson of the regional school district committee notifying the qualified electors of said district of the time and place of said meeting and the business proposed to be transacted thereat, which said notices shall be posted up by the town sergeant, or any

constable of any member town in three (3) or more public places within said district, at least one (1) of which must be in each member town, and published in a newspaper of general circulation published within the state, all at least seven (7) days before the date of such meeting.

(7) The regional school district meeting on the recommendation of the regional school committee for the said district, by a majority vote of the voters present and qualified to vote may direct the regional school committee to dispose of real or personal property having a value of twenty thousand dollars (\$20,000) or more⁵ on such terms or conditions as the meeting may determine are in the best interests of the district.

SECTION 10. (1)(a) There shall be a regional school committee for said district consisting of eleven (11) members, each member town shall be represented on the committee in direct proportion to its population as determined by the most recent population census figures. The total population of the district shall then be divided by eleven (11) and the resulting quotients thus obtained shall be used as a basis for determining the proportionate representation of each said member town on said committee, and realizing that the mathematical divisions of said formula will not obtain absolute evenness, fractions of .5 or more shall be construed as 1 point and fractions less than .5 shall be construed as 0. Subject to the limitations aforesaid, the members of said committee from each of the member towns to be elected or appointed for terms hereinafter set forth shall be determined as of the time of each bi-annual election and each of the said member towns, based upon the census aforesaid. The first such regional school committee shall be elected in the general election in November, 1988. In the general election 1988 each town electing three (3) members of the school committee shall elect two (2) members to serve a term of four (4) years and one (1) member to serve a term of two (2) years. A town electing more than three (3) representatives shall elect three (3) members for a term of two (2) years and additional members for a term of four (4) years. Thereafter members shall be elected for a term of four (4) years. Until such time as those elected in that election shall be certified and qualified, the existing Chariho Regional High School District Committee shall serve as the Regional

⁵ The words "having a value of twenty thousand dollars (\$20,000) or more," inserted by 2006 R.I. Pub. L. ch. 419, do not appear in 2006 R.I. Pub. L. ch. 490, which amends other provisions of Sec. 9. Both amendments were enacted on July 6, 2006.

School Committee. In the event of any vacancy by death, resignation or incapacity to serve of any term of any member of said regional school district committee, the town council of the member town in which such vacancy occurs shall fill such vacancy by election by a majority vote of the town council of said town for the unexpired term of the member whose office is thus vacated.

(1)(b) Since the United States Census bureau of the census conducts on a decennial basis and in view of the fact that any of the Chariho towns may incur rapid shifts in population which could affect the composition of the Chariho school committee, there may be agreement among the town councils to provide for a census on a five (5) year basis beginning in 1995. A census of the towns taken in 1987 will be used as the basis for school committee composition until the 1990 United States bureau of census data is provided. The cost of the 1987 census will be borne by each town in proportion to its population. Any town objecting to the use of the United States census material may require the making of an actual census in time for the first general election after 1995. The cost of such a census shall be borne equally by the three (3) towns and shall not constitute a reimbursable education expense; provided further that in the event that such an actual census does not result in a count materially different from the numbers contained in the material compiled by the United States bureau of the census, then the cost of the actual census, shall be borne by the town or towns objecting to the use of such bureau of the census material.

(2) Within ten (10) days after the election and certification of the members of the regional school district committee, said regional school district committee shall meet and organize by selecting one (1) of their number to be chairperson of said committee. The chairperson chosen at the first organized meeting shall serve in such office until the first meeting of said committee following the qualification of new members elected to the regional school district committee at the general election of 1988. At such first meeting of the said committee following the election and qualification of new members, the Committee shall elect a chairperson and elect such other officers and [as]⁶ are herein or hereafter authorized and each two (2) years thereafter at such first meeting following a general election at which school committee members are elected, the

⁶ The word "and" appears in the original.

regional school district committee shall organize and elect or appoint such officers. A person may not succeed himself/herself in the office of chairperson unless no other member of the Committee is willing to serve as chairperson and at such organizational meetings the chairmanship shall first be offered to a committee member from a town other than the town one of the members of which last served as chairperson in an order of rotation to be agreed upon at the first organization meeting of the said committee which shall provide that each member town shall have the opportunity of having one of its members serve as chairperson in a fixed order of selection. In the event that no member from one of the member towns which is entitled to the chairmanship at an organization meeting is willing to serve as chairperson, this selection shall pass to the next such member town so entitled under said agreement and so on until a chairperson is selected who is going to serve. The said committee shall also appoint a clerk and a treasurer of said committee who shall also be a clerk and treasurer of the said district and the district meetings and the said clerk and treasurer may be the same individual and need not be a member or members of said committee.

(3) Said regional school committee shall have all the powers and duties conferred by law in this state upon school committees of towns, generally, including but not limited to the following:

(a) To apply for and receive, accept and use any town, state or federal funds or assistance, or both, as may be provided, whether in the form of a grant or a loan or both, including specifically such funds or assistance from state or federal sources as the member towns would otherwise be entitled to apply for and receive from such sources in the event that the said regional school district did not exist but to the use of which such member towns might be individually excluded by reason of the existence of said district.

(b) To publish an annual report thirty (30) days prior to the annual district meeting containing a detailed financial statement showing the total receipts and expenditures of the period covered by the report together with such additional material and information relating to the maintenance and operation of the school or schools as may be deemed necessary by the regional school committee.

(c) To receive and disburse funds for any regional school district purpose.

(d) To engage legal counsel.

(e) To engage and employ a superintendent of schools for the regional school district, who may also be a principal or [of]⁷ a regional school or schools, on a contractual basis for either a definite or indefinite term as the regional high school committee shall determine. The person so employed shall have all of the powers and duties imposed upon a superintendent of schools by law.

(f) Said committee shall annually cause an audit to be made of the accounts of said district, and on completion of each audit a report thereof shall be made to the members of said committee and a copy thereof shall be submitted to the next regional school district meeting.

(g) Compensation for members of the said committee and/or clerk and treasurer thereof shall be determined at and by the regional school district meeting as a part of the consideration and action taken at said meeting in respect to operating costs and expenses of the said district.

(h) The regional school district treasurer shall furnish surety bond in an amount to be determined annually by the said committee. The expense of said bond shall be chargeable to the said district.

(i) Said regional school district committee may dispose of any item (or group of items) of personal property with a fair market value (in the aggregate, if a group of items) of five thousand dollars (\$5,000) or less, on such terms as the committee deems appropriate in its sole discretion. Any item, or group of items, of personal property of the regional school district with a fair market value of more than five thousand dollars (\$5,000), but less than twenty thousand dollars (\$20,000) (in the aggregate, if a group of items), may be disposed of by the said committee on such terms as the committee deems appropriate in its sole discretion, by offering such property for sale by competitive bidding. Any property of the regional school district with a fair market

⁷ The word “or” appears in the original.

value equal to or greater than twenty thousand dollars (\$20,000) may be disposed of only upon a vote of a regional district meeting as set forth in Sec. 9(8).⁸

SECTION 11. The curriculum of the regional school district shall be adapted to the unique requirements of the locality and subject to the approval of the state board of education.

SECTION 12. (1) There shall be an unpaid regional school district finance committee consisting of the district treasurer, the town treasurers of each of the member towns, three (3) members of the regional district school committee, one (1) from each town appointed by the school committee and three (3) financially knowledgeable residents eligible to vote in regional school district meetings, one (1) from each of the member towns to be appointed by the respective town councils. This committee will advise and make recommendations to the regional district school committee on all fiscal considerations including, but not limited to, budget, long-range fiscal planning, development of a maintenance fund and investment of funds received by the regional district school committee in a manner so as to insure the retirement of construction renovation bonds in the shortest possible time.

(2) Within ten (10) days after approval and acceptance of this act by the voters of said member towns, a regional school district building committee consisting of five (5) members from each of the towns of Charlestown and Richmond and seven (7) members from the town of Hopkinton, two (2) members of which building committee from each member town shall be members of the school committee in their respective town, and the remaining members shall be appointed by the respective town councils.

(3) Said regional school district building committee shall secure competent architectural and engineering services for the purpose of the making of surveys, the preparation of plans and specifications and selection of site for the construction and equipping of a regional middle school in said district and the supervision of the construction and employ such clerical assistance as may be necessary.

⁸ Sec. 9(8) became Sec. 9(7) with the passage of 2006 R.I. Pub. L. ch 490.

(4) Said regional school district building committee shall construct, furnish, and equip a regional middle school including athletic facilities and shall undertake such renovations, repairs and improvements as it may deem necessary to the existing regional high school building, including for both buildings athletic facilities and improve the grounds upon which the respective schools are located in accordance with the purposes and provisions of this act, and shall make all contracts and agreements that may be necessary for the exercise of the powers vested in said building committee, provided, however, that said building committee shall not make any expenditures or incur any liability unless the necessary appropriations have been authorized by the referendum set forth in section 1 hereof and the bonds authorized therein have been successfully sold.

(5) The term of said building committee shall be until such time as the authorized building or buildings shall have been constructed and accepted by the architects engaged by the building committee and for (1) year thereafter whereupon the term of office of said committee shall terminate.

(6) In the event of additional building requirements for the purposes of the regional school district, determined by the voters qualified present and voting by majority vote at a district meeting, subsequent to the termination of office of the original building committee, a new building committee subject to the same conditions and vested with the same powers as those conferred by this act upon the original building committee formed in numbers corresponding to section 10(1)(a). One (1) of such building committee member from each town shall be a member of the regional school committee who represents that town.

(7) In the event of a vacancy on the building committee said vacancy shall be filled by appointment of the town council of the town from which the vacancy shall occur or from the regional school committee in the same manner as prescribed in 12 (6), above.

(8) No member of the building committee shall be held personally liable for damages in the performance of his duties as a member of said committee.

SECTION 13. (1) A student who enters an elementary school in kindergarten will be assured of matriculation at that school through grade 4 unless the family relocates outside the

elementary school attendance district. Siblings, also, will be assured of matriculation in the same elementary school as long as another sibling is in attendance.

(2) Transportation of pupils shall be considered an operational cost of the regional school district and shall be governed by the regional school district committee, which shall also govern and determine the curriculum of the school subject to the provisions of section 11 hereof.

SECTION 14. (1) All employees, employed by the respective school committees, who are subject to a collective bargaining agreement will be employed by the regional district. Any such employee who on the date of his or her contract of employment with the regional school district is on tenure shall continue thereafter to serve on a tenure basis. All employees who become employees of the regional school district shall be given full credit for their employment with the school committees of the member towns for the purpose of seniority, pensions and all other relevant purposes. All other employees employed by respective school committees of the member towns shall be given preferred consideration for similar positions in the district schools to the extent that such positions exist therein.

(2) In the further event of a determination by any member town to withdraw from said regional school district, such employees whose services are no longer required by the regional school district shall become employees of the member town withdrawing from the regional school district with full credit for prior service in both a member town and/or regional school district provided that these positions are required by the withdrawing town.

SECTION 15. (1) It shall be the duty of the district superintendent, or chief administrative officer, to present to the regional school committee a preliminary budget containing his estimates of the amount of money needed to operate the regional school for the ensuing year. The form of said budget shall conform to the accounting system of the state department of education.

(2) The regional school committee shall prepare and approve a proposed budget which it believes will efficiently operate the regional school district for the ensuing year not later than the fifteenth (15th) day of February in each year.

(3) Not later than the third (3rd) Tuesday in March in each year, and subsequent to the public hearing at the annual regional school district meeting on the proposed budget, the district school committee shall adopt a final proposed budget. The regional school district finance committee, established in accordance with the provisions of section 12 hereof, may by and through its individual members or by appointed delegates attend budget hearings and provide advice and assistance to the school committee on budget matters.

(3A) Within thirty (30) days after the school committee adopts its final proposed budget for the ensuing year, a budget approval referendum must be held in each of the member towns on a single day to be determined by the regional school committee. The vote at referendum shall be for the purpose of approving or rejecting the overall total district budget as proposed by the regional school committee, and for approving or rejecting any special warrant items proposed by the regional school committee. The votes cast in all of the member towns shall be counted in the aggregate. The regional school committee shall provide to the canvassers of each of the member towns printed information to be displayed at polling places to assist voters in voting. The budget approval referendum ballot to be voted on must be substantially as follows:

“Shall the Chariho Regional School District annual budget for the school year as adopted by the regional school committee be approved?

_____ Yes

_____ No”

A majority of all of the votes cast in the member towns at the budget approval referendum, counted in the aggregate, shall be required to approve the annual regional school district budget proposed by the regional school committee. If the voters do not approve the budget proposed by the regional school committee at the budget approval referendum vote, the regional school committee shall hold a school committee meeting within fifteen (15) days after the referendum to adopt a revised budget in such an amount as the school committee shall determine to be the minimum amount necessary to allow the regional school district to operate for the ensuing fiscal year in compliance with its contractual obligations and the mandates of applicable federal and state laws. Any revised budget adopted at the subsequent school committee meeting must

thereafter be submitted within thirty (30) days to the voters for approval at referendum in accordance with this section. This process shall be repeated until a budget is adopted by the regional school committee and approved by the voters at referendum. If, however, a budget is not adopted by the regional school committee and approved by the voters before July 1 of each year, then the regional school committee shall operate the regional school district in accordance with the provisions of section 16-2-23 of the general laws, and the member towns shall make payments to the regional school district, based upon the amounts appropriated for the support of the schools by the member towns in the preceding fiscal year; provided, however, that the right of the regional school committee to take all actions it deems necessary under the provisions of section 16-2-21.4 of the general laws shall in all events remain in full force and effect at all times and shall not be impaired or restricted in any respect by any of the provisions of this act. Any referendum held with respect to an annual school budget under this act shall be considered in the nature of a local financial meeting and shall not be subject to the provisions of title 17 of the general laws.

(4) Operating costs shall include all costs of the said school district not included in the construction costs paid out of the receipts and realizations of the sale of bonds or notes as hereinbefore provided.

(5) Operating expenses for each fiscal year or portion thereof shall be apportioned among the member towns in proportion to the relationship of their respective pupil enrollment in the said district school system on October 1 of the previous calendar year to the total pupil enrollment in said school system on said date. In the event that enrollment in the said district school system has not been accomplished on October 1 of any year, operating expenses for the ensuing year or portion thereof shall be apportioned among the member towns in proportion to the ratio that the total number of students enrolled in grades kindergarten through twelve, inclusive, residing in each of said towns and receiving education at such town's expense as of said October 1, bears to the total number of such students in the entire district.

(6) Within ten (10) days after the date at which the annual regional school district budget is approved by referendum each year, the treasurer of the regional school district shall determine the total cost of operating the school district in the next budget year, including therein operating

costs, operating expenses, and all other anticipated expenses, incurred in the operation of the school district. This sum shall then be divided by the number of students enrolled in the school district as of October 1 of the current school year and the resulting figure shall then be determined as the annual pupil charge. The charge so determined shall forthwith be certified by said district treasurer to the respective treasurers of each member town. Each member town shall then pay to the treasurer of the district a sum equal to the number of pupils enrolled in the district from that town multiplied by the annual pupil charge.

(7) Construction costs of the regional school district shall be all costs of retirement of principal or payment of interest of bonds or notes hereinbefore authorized or which may be by special act authorized for future construction within the said district, or such costs as may be financed by means other than the issue of bonds or notes for the purpose of construction or renovation of buildings, land acquisition, or extraordinary repairs to buildings, and all other costs and expenses of the district shall be operating costs. In each year subsequent to the passage of this act, construction costs shall be borne by each member town in the same proportion as the enrollment of students from that town bears to the total student enrollment of the district. The district treasurer annually shall determine the share of each member town of construction costs by dividing the construction costs for the current year of operation by the number of pupils enrolled in the district on October 1 of the current school year. The district treasurer shall then certify to the treasurer of the member towns the shares [share]⁹ of each town of construction costs determined as hereinbefore provided at the same time and in the same manner as operating costs are certified to each town.

(8) The amount of construction costs certified by the treasurer of said school district to the town treasurers of the member towns shall for the purpose of section 45-12-11 of the general laws, be deemed an indebtedness of the town or interest thereon for which a member town may assess its ratable property in any one (1) year in excess of three and one-half percent (3½ %) of its ratable value.

(9) The treasurer of each member town shall forward monthly to the regional school district treasurer the proportioned operating and construction costs for that fiscal year.

⁹ The word “shares” is in the original.

(10) The regional school district fiscal year shall begin on July 1 and end on June 30.

(11) The superintendent of schools of said district shall certify to the commissioner of education on or before July 15 of each year such information as may be needful for the operation of this agreement and conformity to the laws of this state in such form and upon such blanks as the commissioner of education shall require.

(12) The electors in each of said member towns qualified to vote upon a proposition to impose a tax or for the expenditure of money shall in their respective towns, in annual or special financial town meetings legally assembled, appropriate and raise sufficient moneys for their respective towns to meet the requirements of the costs of construction and operation of said regional school as determined by the said district annual meeting and proportioned to the said member towns as provided in subsections (6) and (7) of this section.

SECTION 16. Said districts [district]¹⁰ shall have, in any meeting of the electors of said district qualified to vote upon a proposition to impose a tax or for the expenditure of money in their respective towns, the power and authority to act in any way necessary and proper, including the power to elect or appoint committees and agents to carry out any act in furtherance of the general corporate purposes and objects of the said district.

SECTION 17. Any other town or towns may be admitted to the regional school district upon:

(1) Adoption of an appropriate amendment to this act, by an act of the general assembly accepted and approved by a vote of the electors of the member towns qualified to vote upon a proposition to impose a tax or for the expenditure of money, present and voting on the question of approval of said act of amendment at an annual or special financial town meeting in their respective towns and like acceptance and approval of the like electors of the town or towns seeking admission; and

(2) Upon compliance with such provisions of law as may be applicable and with such additional requirements as may be set forth in such act of amendment.

¹⁰ The word “districts” is in the original.

SECTION 18. (1) No member town shall withdraw from the district until bonded indebtedness incurred in accordance with the provisions of section 1 herein has been fully paid and discharged. Thereafter, any member town of the regional school district may petition to withdraw from the said district at any annual meeting of said district, provided that such petition for withdrawal shall have been approved by the appropriate method of the said member town seeking to withdraw and shall have been approved by a majority of the electors of the said town qualified to vote upon a proposition for the imposition of a tax or for the expenditure of money, present and voting in the appropriate manner prescribed by said town within a period of one hundred twenty (120) days next preceding the date of the annual district meeting at which the petition is to be submitted. Such petition shall not be approved except upon payment to the treasurer of the district by the treasurer of such town of any costs which have been apportioned and certified in accordance with the provisions heretofore set forth to said town for the construction and operation of the school district during the year in which such withdrawal is to take place, and such town shall remain liable to the district for its share of the indebtedness of the district outstanding, if any, at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as if the town had not withdrawn from the regional school district, except as such liability shall be reduced by any amount which said town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness and interest. Any money received by the school district from a withdrawing town for the payment of indebtedness or interest thereon shall be used only for such purpose and until so used shall be deposited in trust in the name of the district with a Rhode Island company having a combined capital and surplus of not less than five million dollars (\$5,000,000).

(2) On July 1, 1994, or as soon thereafter as may be practicable, a committee shall be formed to be known as an Entrance, Expansion and Exit Committee consisting of the following members: the town council president of each member town, the Chariho School Committee chairperson, the chairperson of the finance committee established in section 12 hereof, two (2) residents from each member town of the district appointed by the town councils of said towns, three (3) residents of communities not within the district to be appointed by the Chariho School Committee, and the commissioner of education or designee. This committee will review

enrollment data, fiscal impact information, demographic/geographic considerations, impact upon the academic program, issues of governance, impact on the Chariho act and any other pertinent issues identified by the committee as they may be affected by the withdrawal or addition of member towns in whole or in part from and to the regional school district. This committee shall report its findings and recommendations to the Chariho School Committee within six (6) month¹¹ after its formation, unless said committee shall have requested and received from the Chariho school committee an extension of time for the rendering of such report, which such later date shall in any event not be more than twelve (12) months from the date of said committee's formation. In preparing its report and conducting its studies, the committee shall hold not less than three (3) public hearings on the subject matter of withdrawal or additions to the district, said hearings to be held within the district.

SECTION 19. Upon the acceptance and approval of this act the town councils of the member towns are hereby vested with the power and authority to enter into agreements on behalf of their respective towns and with each other, jointly and severely [severally]¹² providing for ways and means of obtaining a site for said regional schools and otherwise generally putting into effective operation the objects and purposes of this act all in order that the said regional middle school shall be finally constructed and the regional high school shall be renovated and put into use for said towns.

NOTES

1986 Pub.L. ch. 286, approved by the voters of all three towns, amended sections 1, 2, 3, 4, 5, 5A, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 of 1958 Pub.L. 55, as amended. It said “Section 8 of chapter 55 of the public laws, 1958 . . . is hereby repealed wherever inconsistent with this act.”

1988 Pub. L. ch. 40, requiring no voter approval, amended Sections 3, 4, and 5 of the act.

Both 1995 Pub.L. ch. 285 and 1995 Pub.L. ch. 359 enacted substantially the same amendment to Section 15(9) of the act, except that ch. 285 was effective only for the fiscal year ending June 30, 1996. Neither bill required voter approval.

¹¹ The word is singular in the original.

¹² The word “severely” is in the original.

1997 Pub.L. ch. 279 Sec.1, effective only for the fiscal year 1997-1998, enacted the portion of Section 15(9) of the act that already had been added by 1995 Pub.L. ch. 359. 1997 Pub.L. ch. 279 Sec. 2 restored the text of Section 15(9) enacted by 1986 Pub.L. ch. 286, effective July 1, 1998. Neither bill required voter approval.

2002 Pub.L. ch. 298 and 2002 P.L. ch. 368, identical bills requiring no voter approval, amended Section 18(2) of the act.

2006 Pub.L. ch. 407, approved by the voters of all three towns, amended a portion of Sec.15(9) that already had been repealed by 1997 Pub.L. ch. 279, Sec. 2.

2006 Pub.L. ch. 419, approved by the voters of all three towns, amended Section 9(8) and Section 10(3).

2006 Pub.L. ch. 490, approved by the voters of all three towns, amended Sections 9(2) and 9(4) and Sections 15(1), 15(2), 15(3), 15(7), and 15(12) of the act.