



State of Rhode Island and Providence Plantations
DEPARTMENT OF EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

Deborah A. Gist
Commissioner

May 3, 2012

Mary Ann Carroll, Esq.
Brennan, Recupero, Cascione, Scungio & McAllister, LLP
362 Broadway
Providence, Rhode Island 02909

RE: Approval of \$6.4 million dollar bond for school repairs in the North Kingstown School Department – Who has authority over these repairs – the North Kingstown Town Council or the North Kingstown School Committee?

Dear Attorney Carroll:

Thank you for your letter of April 3, 2012 in which you on behalf of the North Kingstown School Committee pose the question of whether the North Kingstown Town Council or the North Kingstown School Committee has the authority under 2012 – H 7236, an Act of the Rhode Island General Assembly, to supervise the provision of: "Replacements and renovations, and related equipment for the Davisville Middle School and the Fishing Cove, Hamilton, Quidnesset and Stony Lane Elementary Schools and costs incidental thereto."¹

The Act [2012—H 7236] itself answers the question you have posed. The Act states in pertinent part: "The projects shall be carried out and all contracts made therefore on behalf of the Town by a School Building Committee appointed by the Town Council or as may be otherwise directed by the Town Council." (Emphasis added) Because the General Assembly has near plenary authority over school matters (*City of Pawtucket v. Sundlun*, 662 A.2d 40 (R.I. 1995)) the special provisions of 2012 – H 7236 plainly pre-empt the general rule established by R.I.G.L. 16-2-15 that School Committees have authority over renovations and repairs relating to public school buildings.

I must congratulate North Kingstown on its willingness to take the steps that are needed to maintain and improve the public school facilities of the town. I am sure that all parties will work together to ensure the attainment of maximum economy and educational effectiveness in carrying out this worthy endeavor.

Sincerely,

Deborah A. Gist
Commissioner of Education

¹ An Act [2012—H 7236] authorizing the town of North Kingstown to finance replacements and renovations and related equipment for the Davisville Middle School; and the Fishing Cove, Hamilton, Quidnesset and Stony Lane Elementary Schools and to issue not more than \$6,464,000 bonds and notes therefore.