

GENERAL LAWS OF RHODE ISLAND

TITLE 16. __EDUCATION

CHAPTER 38. __OFFENSES PERTAINING TO SCHOOLS

R.I. Gen. Laws § 16-38-6 __(2001)

§ 16-38-6. Restrictions on commercial activity and fundraising in public schools

__(a)_No public school official or public school employee shall, for any purpose, solicit or exact from any pupil in any public school any contribution or gift of money or any article of value, or any pledge to contribute any money or article of value. No public school teacher shall accept payment for tutoring directly from the parents of a student under his or her instruction. If a teacher is to be assigned and compensated as a tutor for a student under his or her instruction, the assignment and compensation must be through the school department pursuant to policies and procedures adopted by the school committee. Nothing in this section shall be interpreted to prohibit a teacher from tutoring a student who is not concurrently under his or her instruction in the public school and receiving compensation for the tutoring from the parents of the student.

(b)_No commercial goods or services shall be sold to students in the public schools or on public school property, nor shall any commercial materials (flyers, literature, advertisements, commercial materials, or solicitations) be sent home with students from the public school, except as authorized pursuant to policies and procedures adopted by the local school committee, which shall, at a minimum, address the following:

__(1)_The conduct and financial accountability of public school employees and public school officials engaged in commercial activities for the benefit of public schools;

__(2)_The use of schoolchildren to deliver commercial materials to parents.

(c)_Any approved fundraising activity shall be conducted on a voluntary basis and in accordance with rules and regulations promulgated by the school committee, which shall at a minimum, address the following:

__(1)_The conduct and financial accountability of public school employees and public school officials engaged in fundraising activities for the benefit of public schools;

__(2)_The specific circumstances, if any, for door to door solicitations and door to door sales by public school students for fundraising;

__(3)_The use of schoolchildren to deliver fundraising materials to parents.

(d)_The commissioner of elementary and secondary education shall provide technical assistance to assist the school committees of the several towns and cities in the formulation of the local policies and procedures mandated by this section.

HISTORY: G.L. 1909, ch. 73, § 10; P.L. 1922, ch. 2234, § 16; G.L. 1923, ch. 77, § 10; P.L. 1928, ch. 1230, § 1; G.L. 1938, ch. 198, § 9; impl. am. P.L. 1939, ch. 2752, § 21; G.L. 1956, § 16-38-6; P.L. 2000, ch. 142, § 2; P.L. 2000, ch. 368, § 2.

NOTES:

REENACTMENTS. The 2001 Reenactment deleted obsolete language in subsection (d).

CROSS REFERENCES.

__School lunch programs, § 16-8-10.

NOTES TO DECISIONS

1. IN GENERAL.

___A school committee, which had allowed use of school premises for sale and rental of musical instruments, did not, by its decision upholding such practice, litigate any right personal to the petitioner who was engaged in business of selling and servicing musical instruments and who objected to this use of the premises and he was therefore not entitled to appeal. Demers v. Collins, 98 R.I. 312, 201 A.2d 477 (1964).

___One engaged in the "retail business selling, repairing and instructing musical instruments" is not thereby vested with such an interest as will entitle him to seek mandamus against school officials compelling them to prohibit the selling and renting of musical instruments to pupils on public school premises in violation of this section. Demers v. Shehab, 101 R.I. 417, 224 A.2d 380 (1966), cert. denied, 386 U.S. 966, 87 S. Ct. 1047, 18 L. Ed. 2d 116 (1967).