

200-RICR-20-35-2

TITLE 300 – BOARD OF EDUCATION

CHAPTER 20 – COUNCIL ON ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 35 – PROCEDURES

PART 2 – Petition for Promulgation of Rules

2.1 Purpose:

The purpose of this regulation is to prescribe the form of a Petition for Promulgation of Rules pursuant to R.I. Gen. Laws § 42-35-6 and the procedure for its submission, consideration, and disposition.

2.2 Authority:

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-6.

2.3 Definitions:

A. The following definitions shall apply to this regulation:

1. “Department” means Rhode Island Department of Education (“RIDE”)
2. “Petition” means a request for the Promulgation of a Rule.
3. “Petitioner” means a person requesting the promulgation of a rule.
4. “Promulgate”, with respect to a Rule, means the process of writing a new Rule, or amending or repealing an existing Rule.
5. “Rule” means the whole or a part of an agency statement of general applicability that implements, interprets, or prescribes law or policy or the organization, procedure, or practice requirements of an agency and has the force of law. The term includes the amendment or repeal of an existing rule. The term is used interchangeably with the term “regulation.” The term does not include the exceptions listed in R.I. Gen. Laws §§ 42-35-1(19)(i) through (vi).

2.4 Request for the Promulgation of a Rule:

A. A request to Promulgate a Rule must be in writing and include the following information:

1. The name and address of the Petitioner;
 2. A plain statement identifying the rule or proposed new rule at issue;
 3. A detailed statement of all facts relied upon by the Petitioner;
 4. A plain statement requesting the Promulgation of a Rule, and further indicating whether Petitioner seeks a new Rule or the amendment or repeal of an existing Rule.
 - a. In the case of a request for the repeal of an existing Rule, the Petitioner shall identify the Rule by title and/or RICR citation.
 - b. In the case of a request for an amendment to an existing Rule, the Petitioner must identify with specificity any proposed additions, deletions, or other amendments. New proposed language must be clearly marked using underline formatting for proposed insertions, and strikethrough formatting for proposed deletions.
- B. A request for the Promulgation of a Rule must be submitted to: Commissioner of Elementary and Secondary Education, Rhode Island Department of Education, 255 Westminster Street, Providence, Rhode Island 02903.

2.5 Consideration and Disposition of Request for the Promulgation of a Rule:

- A. The Department shall promptly consider and respond to the request for the Promulgation of a Rule as provided in R.I. Gen. Laws § 42-35-6.
- B. The Department may, at its discretion and within the thirty (30) day period prescribe by statute:
 1. Hold a hearing for further consideration and discussion on the Petition; or
 2. Request further information or documents from the Petitioner necessary for the full evaluation of his or her Petition.

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