

2023 -- H 5789

LC002009

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

Introduced By: Representatives Fogarty, Shallcross Smith, Tanzi, Hull, J. Lombardi,
Carson, Spears, Donovan, and McEntee

Date Introduced: February 22, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled "Residence
2 of Children for School Purposes" is hereby amended to read as follows:

3 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
4 **foster care, group homes, or other residential facility by a Rhode Island state agency.**

5 (a) Children placed in foster care by a Rhode Island-licensed child-placing agency or a
6 Rhode Island governmental agency shall be entitled to the same free, appropriate public education
7 provided to all other residents of the city or town where the child is placed. The city or town shall
8 pay the cost of the education of the child during the time the child is in foster care in the city or
9 town.

10 (b) Children placed by the department of children, youth and families (DCYF) in a group
11 home or other residential facility that does not include the delivery of educational services are to
12 be educated by the community in which the group home or other residential facility is located, and
13 those children shall be entitled to the same free, appropriate public education provided to all other
14 residents of the city or town where the child is placed. For purposes of payment and reimbursement
15 for educational costs under this chapter, the term "group home or other residential facility" shall
16 not include independent-living programs. Each city and town that contains one or more group
17 homes or other residential facilities that do not include delivery of educational services will receive
18 funds as part of state aid to education in accordance with the following provisions:

19 (1) On December 31 of each year, the DCYF shall provide the department of elementary

1 and secondary education with a precise count of how many group home or other residential facility
2 “beds” exist in each Rhode Island city or town, counting only those “beds” in facilities that do not
3 include the delivery of educational services. The number of “beds” in each group home or other
4 residential facility shall be equal to the maximum number of children who may be placed in that
5 group home or other residential facility on any given night according to the applicable licensure
6 standards of the DCYF.

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

18 For all fiscal years beginning after June 30, 2016, education aid for each school district
19 shall include seventeenthousand dollars (\$17,000) for each bed certified by DCYF by the preceding
20 December 31. Notwithstanding the provisions of this section or any law to the contrary, the
21 education aid for all group home or other residential facility “beds” located or associated with the
22 Children’s Residential and Family Treatment (CRAFT) program located on the East Providence
23 campus of Bradley Hospital shall be twenty-six thousand dollars (\$26,000) per bed. For all fiscal
24 years beginning after June 30, 2008, whenever the number of beds certified by DCYF for a school
25 district by December 31 is greater than the number certified the prior December 31 upon which the
26 education aid for that fiscal year was appropriated, the education aid for that district as enacted by
27 the assembly during the prior legislative session for that fiscal year will be increased by the number
28 of increased beds multiplied by the amount per bed authorized for that fiscal year. The Department
29 of Elementary and Secondary Education shall include the additional aid in equal payments in
30 March, April, May, and June, and the Governor’s budget recommendations pursuant to § 35-3-8
31 shall include the amounts required to provide the increased aid.

32 (c) Children placed by DCYF in a residential-treatment program, group home, or other
33 residential facility, whether or not located in the state of Rhode Island, which includes the delivery
34 of educational services provided by that facility (excluding facilities where students are taught on

1 grounds for periods of time by teaching staff provided by the school district in which the facility is
2 located), shall have the cost of their education paid for as provided for in subsection (d) and § 16-
3 64-1.2. The city or town determined to be responsible to DCYF for a per-pupil special-education
4 cost pursuant to § 16-64-1.2 shall pay its share of the cost of educational services to DCYF or to
5 the facility providing educational services.

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

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

11 (2) The facility is state licensed; and

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

14 (e) In addition to the provisions of subsection (b) of this section, the department of
15 education, in conjunction with the DCYF, shall develop a procedure to ensure that the
16 municipalities in which group homes or other residential facilities are located are reimbursed for
17 the educational expenses above the cost allocated in this section. Any procedure established shall
18 provide at a minimum that the actual education costs associated with a child placed in a group home
19 or other residential facility is paid by the state through the department of education, the DCYF, or
20 the municipality where the child is a resident pursuant to § 16-64-1.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

1 This act would require the department of education and the DCYF to develop a procedure
2 to ensure that the municipalities where group homes or other residential facilities are located are
3 reimbursed for the educational expenses above the cost allocated.

4 This act would take effect upon passage.

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