

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX  
RELIEF ACT

Introduced By: Senator Roger Picard

Date Introduced: February 01, 2023

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-7.2-3 and 16-7.2-4 of the General Laws in Chapter 16-7.2 entitled d  
2 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

3 **16-7.2-3. Permanent foundation education aid established.**

4 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall  
5 take effect. The foundation education aid for each district shall be the sum of the core instruction  
6 amount in subdivision (a)(1), ~~and~~ the amount to support high-need students in subdivision (a)(2);  
7 and the amount to support school districts in subsection (a)(3) of this section which shall be  
8 multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to determine the  
9 foundation aid.

10 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
11 instruction amount as established by the department of elementary and secondary education,  
12 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
13 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistic s  
14 (NCES) that will adequately fund the student instructional needs as described in the basic education  
15 program and multiplied by the district average daily membership as defined in § 16-7-22.  
16 Expenditure data in the following categories: instruction and support services for students,  
17 instruction, general administration, school administration, and other support services from the  
18 National Public Education Financial Survey, as published by NCES, and enrollment data from the

1 Common Core of Data, also published by NCES, will be used when determining the core-  
2 instruction amount. The core-instruction amount will be updated annually. For the purpose of  
3 calculating this formula, school districts' resident average daily membership shall exclude charter  
4 school and state-operated school students.

5 (2) The amount to support high-need students beyond the core-instruction amount shall be  
6 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
7 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child  
8 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty  
9 guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part of its budget  
10 submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of  
11 elementary and secondary education shall develop and utilize a poverty measure that in the  
12 department's assessment most accurately serves as a proxy for the poverty status referenced in this  
13 subsection and does not rely on the administration of school nutrition programs. The department  
14 shall utilize this measure in calculations pursuant to this subsection related to the application of the  
15 student success factor, in calculations pursuant to § 16-7.2-4 related to the calculation of the state  
16 share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department  
17 may also include any recommendations which seek to mitigate any disruptions associated with the  
18 implementation of this new poverty measure or improve the accuracy of its calculation.

19 (3) The amount to support school districts with students residing in housing taxed in  
20 accordance with § 44-5-13.11, shall be determined by multiplying a housing factor of forty percent  
21 (40%) by the core instruction per pupil amount described in § 16-7.2-3(a)(1), and applying that  
22 amount to all resident children residing in housing taxed in accordance with § 44-5-13.11.

23 (b) The department of elementary and secondary education shall provide an estimate of the  
24 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate  
25 shall include the most recent data available as well as an adjustment for average daily membership  
26 growth or decline based on the prior year experience.

27 (c) In addition, the department shall report updated figures based on the average daily  
28 membership as of October 1 by December 1.

29 (d) Local education agencies may set aside a portion of funds received under subsection  
30 (a) to expand learning opportunities such as after school and summer programs, full-day  
31 kindergarten and/or multiple pathway programs, provided that the basic education program and all  
32 other approved programs required in law are funded.

33 (e) The department of elementary and secondary education shall promulgate such  
34 regulations as are necessary to implement fully the purposes of this chapter.

1           **16-7.2-4. Determination of state’s share.**

2           (a) For each district, the state’s share of the foundation education aid calculated pursuant  
3 to § 16-7.2-3(a) shall use a calculation that considers a district’s revenue-generating capacity and  
4 concentration of high-need students. The calculation is the square root of the sum of the state-share  
5 ratio for the community calculation, pursuant to § 16-7-20, squared [plus the percentage of students](#)  
6 [residing in housing taxed in accordance with § 44-5-13.11 squared](#), plus the district’s percentage  
7 of students in grades PK-6 in poverty status squared, divided by two.

8           (b) For purposes of determining the state’s share, school district student data used in this  
9 calculation shall include charter school and state school students. These ratios are used in the  
10 permanent foundation education aid formula calculation described in § 16-7.2-5.

11           SECTION 2. This act shall take effect upon passage and shall apply to all school years  
12 commencing on or after July 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX  
RELIEF ACT

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1           This act would amend the method for the calculation of the permanent foundation  
2 education aid to school districts, and would make an adjustment based upon students residing in  
3 qualified low-income housing.

4           This act would take effect upon passage and would apply to all school years commencing  
5 on or after July 1, 2023.

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