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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO EDUCATION -- FAILING SCHOOL CHOICE ACT

Introduced By: Representatives Chippendale, Rea, Roberts, Nardone, and Quattrocchi

Date Introduced: March 04, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapters:

3 CHAPTER 114

4 FAILING SCHOOL CHOICE ACT

5 **16-114-1. Short title.**

6 This chapter shall be known and may be cited as the "Failing School Choice Act".

7 **16-114-2. Purpose.**

8 Any student who is assigned to a failing school, as determined by the department of
9 education as the bottom fifteen percent (15%) of public schools in Rhode Island as reported in
10 compliance with § 16-114-5, shall be eligible to utilize the provisions of this chapter to petition any
11 public school with available capacity to enroll in that school. A receiving school, of the parent's
12 choice, may enroll any nonresident students.

13 **16-114-3. Funding.**

14 Receiving schools shall be eligible for the state aid portion of the per-pupil aid from the
15 sending local education agency (LEA) in accordance with the state aid education funding formula
16 for reimbursement. The sending LEA shall pay and reimburse the receiving LEA for the full tuition
17 costs being paid for the student by the sending LEA with respect to any student with special needs
18 or an individual education plan.

19 **16-114-4. Eligibility.**

1 (a) Students currently enrolled in failing schools shall be eligible for school choice pursuant
2 to § 16-114-2.

3 (b) A receiving school may expel any student who has been suspended two (2) times or
4 more in a single school year. Any student who is expelled during the current school year is only
5 eligible for enrollment in their home district for that school year. The suspended student shall be
6 eligible for school choice for the next school year; provided, that if the student is again expelled,
7 the student shall be ineligible for school choice for four (4) consecutive years.

8 **16-114-5. Reporting requirements.**

9 (a) Every five (5) years, the department of education shall reclassify schools based upon
10 their performance except for students participating in the school choice program as set forth in §
11 16-114-4. The department shall report the reclassification results on the department's website.
12 Students attending a school that falls into the bottom fifteen percent (15%) as determined by the
13 department of education, shall be eligible for school choice. At no time shall any student who has
14 been granted school choice lose that status, except as set forth in § 16-114-4(b).

15 (b) Every five (5) years, the department of education shall determine the functional
16 capacity of each school, in every school district, to determine the number of school choice students
17 available for enrollment.

18 (c) Any student who has enrolled in a receiving school under § 16-114-4 shall be entitled
19 to attend the receiving school through the highest grade level offered by the failing school.

20 **16-114-6. Transportation.**

21 (a) Parents participating in school choice may utilize state school transportation only within
22 the same transportation region as defined in § 16-21.1-2.

23 (b) Parents participating in school choice may utilize private school transportation to send
24 the student to any school district.

25 (c) School transportation shall be provided at the sending school district's expense or from
26 the Rhode Island education revitalization fund (RIERF), as provided in chapter 115 of title 16, as
27 long as the receiving school is in the same transportation region as the student's sending school
28 subject to regulations promulgated by the Rhode Island department of education.

29 (d) Funding for transportation inside transportation regions shall be pursuant to § 16-21.1-
30 2.

31 **16-114-7. Rules and regulations.**

32 The department of education shall promulgate rules and regulations to implement the
33 provisions of this chapter.

34 CHAPTER 115

1 RHODE ISLAND EDUCATION REVITALIZATION FUND ACT

2 **16-115-1. Short title.**

3 This chapter shall be known and may be cited as the "Rhode Island Education
4 Revitalization Fund Act".

5 **16-115-2. Purpose.**

6 The State of Rhode Island shall establish the Rhode Island education revitalization fund
7 (RIERF) to provide funds for any school choice program pursuant to chapter 114 of title 16.

8 **16-115-3. Funding.**

9 (a) There shall be created a statewide property tax on all real property of any private college
10 or university, nonprofit college or university, or any other post-secondary school.

11 (b) The amount of the tax in subsection (a) of this section shall be based upon the
12 endowment of the private college or university, nonprofit college or university, or any other post-
13 secondary school.

14 (c) The amount to be collected to fund this chapter shall be included in the annual budget
15 bill approved by the general assembly each fiscal year.

16 SECTION 2. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
17 adding thereto the following chapter:

18 CHAPTER 7.3

19 EDUCATION SAVINGS ACCOUNTS PROGRAM

20 **16-7.3-1. Education savings accounts program established.**

21 (a) Upon request to the Rhode Island department of education of any parent, guardian or
22 caretaker of any school age child in the state, the general treasurer shall establish, in any form as
23 the general treasurer deems appropriate, an education savings account program. The purpose of the
24 program shall be to assist and support the parent(s), guardian(s), and caretaker(s) of each student
25 in the state with the tuition, materials, tutors, technology, and other educational support in order
26 that the parent(s), guardian(s), or caretaker(s) of any student with an education savings account
27 shall be entitled to utilize, at their sole discretion, any funds in the education savings account
28 established for the student for tuition, tutoring, technology, supplies, and any other learning support
29 measures or materials for any student learning at home or at any other remote-learning site, public
30 school, or private school.

31 (b) Each education savings account shall be maintained in a restricted receipt savings
32 account and shall be managed by the parent(s), guardian(s), or caretaker(s) of the student.

33 (c) The Rhode Island department of education shall determine the available per pupil cost
34 of the student's home school district to the existing students of the school district. Said per pupil

1 cost shall be set aside by the school district in the restricted receipt savings account established for
2 each student of the school district entitled to an education savings account.

3 (d) The parent(s), guardian(s), or caretaker(s) of each student for whom an education
4 savings account is established may contribute additional monies to such account.

5 (e) For state income tax purposes, the amount contributed and the annual earnings
6 therefrom contributed to an education savings account by a parent, guardian, or caretaker shall be
7 exempt from the state income tax and shall not be included in the Rhode Island personal income
8 tax of the parent(s), guardian(s), or caretaker(s) making the contribution to the education savings
9 account.

10 (f) The parent(s), guardian(s), or caretaker(s) of any student with an education savings
11 account shall be entitled to utilize, at their sole discretion, any funds in the education savings
12 account established for the student for tuition, tutoring, technology, supplies, and any other learning
13 support measures or materials for any student learning at home or at any other remote-learning site,
14 public school, or private school.

15 (g) Once a parent, guardian, or caretaker of a student accesses and utilizes funds from an
16 education savings account established pursuant to this chapter to enable their student to attend
17 another public school:

18 (1) Their student shall be ineligible to return to their previous, sending public school during
19 the remainder of that school year; and

20 (2) The receiving district, if it is a public school district, shall be able to negotiate the tuition
21 to be charged for the student to attend school in that receiving district, prior to the student attending
22 school in that district.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- FAILING SCHOOL CHOICE ACT

1 This act would establish the Failing School Choice Act and would permit students at failing
2 schools to enroll in any public school. This act would also establish the Rhode Island education
3 revitalization fund to provide funding to the school choice program.

4 This act would take effect upon passage.

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