

2024 -- S 2364

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Senators Murray, DiPalma, Cano, Sosnowski, and Acosta

Date Introduced: February 12, 2024

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7.2-3 of the General Laws in Chapter 16-7.2 entitled "The
2 Education Equity and Property Tax Relief Act" is 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 which shall be multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to
8 determine the foundation aid.

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

1 instruction amount. The core-instruction amount will be updated annually. For the purpose of
2 calculating this formula, school districts' resident average daily membership shall exclude charter
3 school and state-operated school students.

4 (2) The amount to support high-need students beyond the core-instruction amount shall be
5 determined by multiplying a student success factor of forty percent (40%) by the core instruction
6 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child
7 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty
8 guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part of its budget
9 submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of
10 elementary and secondary education shall develop and utilize a poverty measure that in the
11 department's assessment most accurately serves as a proxy for the poverty status referenced in this
12 subsection and does not rely on the administration of school nutrition programs. The department
13 shall utilize this measure in calculations pursuant to this subsection related to the application of the
14 student success factor, in calculations pursuant to § 16-7.2-4 related to the calculation of the state
15 share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department
16 may also include any recommendations which seek to mitigate any disruptions associated with the
17 implementation of this new poverty measure or improve the accuracy of its calculation. Beginning
18 with the FY 2024 calculation, students whose family income is at or below one hundred eighty-
19 five percent (185%) of federal poverty guidelines will be determined by participation in the
20 supplemental nutrition assistance program (SNAP). The number of students directly certified
21 through the department of human services shall be multiplied by a factor of 1.6.

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

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

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

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

34 (f)(1) By October 1, 2023, as part of its budget submission pursuant to § 35-3-4 relative to

1 state fiscal year 2025, the department of elementary and secondary education shall evaluate the
2 number of students by district who qualify as multilingual learner (MLL) students and MLL
3 students whose family income is at or below one hundred eighty-five percent (185%) of federal
4 poverty guidelines. The submission shall also include segmentation of these populations by levels
5 as dictated by the WIDA multilingual learner assessment tool used as an objective benchmark for
6 English proficiency. The department shall also prepare and produce expense data sourced from the
7 uniform chart of accounts to recommend funding levels required to support students at the various
8 levels of proficiency as determined by the WIDA assessment tool. Utilizing this information, the
9 department shall recommend a funding solution to meet the needs of multilingual learners; this may
10 include but not be limited to inclusion of MLL needs within the core foundation formula amount
11 through one or multiple weights to distinguish different students of need or through categorical
12 means.

13 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to
14 state fiscal year 2026, the department of elementary and secondary education shall develop
15 alternatives to identify students whose family income is at or below one hundred eighty-five percent
16 (185%) of federal poverty guidelines through participation in state-administered programs,
17 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RiteCare
18 and other programs that include the collection of required supporting documentation. The
19 department may also include any recommendations that seek to mitigate any disruptions associated
20 with implementation of this new poverty measure or improve the accuracy of its calculation.

21 (3) The department shall also report with its annual budget request information regarding
22 local contributions to education aid and compliance with §§ 16-7-23 and 16-7-24. The report shall
23 also compare these local contributions to state foundation education aid by community. The
24 department shall also report compliance to each city or town school committee and city or town
25 council.

26 (g) The department shall review the student success factor of forty percent (40%) provided
27 in subsection (a)(2) of this section to determine whether that weight ensures local education
28 agencies receive the funding necessary to meet students' instructional needs. The department shall
29 complete its review and report its findings to the governor, the president of the senate, and the
30 speaker of the house by October 1, 2024.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would require a review by the department of elementary and secondary education
- 2 of the formula components used to compute the aid needed to support high need students.
- 3 This act would take effect upon passage.

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