

1 **ARTICLE 10**

2 RELATING TO EDUCATION

3 SECTION 1. Section 16-7-16 of the General Laws in Chapter 16-7 entitled "Foundation  
4 Level School Support [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is  
5 hereby amended to read as follows:

6 **16-7-16. Definitions.**

7 The following words and phrases used in §§ 16-7-15 to 16-7-34 have the following  
8 meanings:

9 (1) "Adjusted equalized weighted assessed valuation" means the equalized weighted  
10 assessed valuation of a community as determined by the department of revenue or as apportioned  
11 by the commissioner pursuant to the provisions of § 16-7-21;

12 (2)(i) "Average daily membership" means the average number of pupils in a community  
13 during a school year as determined pursuant to the provisions of § 16-7-22, less any students who  
14 are served in a program operated by the state and funded through the permanent foundation  
15 education aid formula pursuant to chapter 16-7.2;

16 (ii) For FY 2022, "average daily membership" means the greater of the average number of  
17 pupils in a community during a school year as determined pursuant to the provisions of § 16-7-22  
18 in March 2020 or March 2021, less any students who are served in a program operated by the state  
19 and funded through the permanent foundation education aid formula pursuant to chapter 16-7.2.  
20 State aid to charter public schools, Davies, and the Met Center shall be determined based on the  
21 districts of residence in whichever year had the greater total average daily membership.

22 (A) For the purposes of determining the number of students in poverty, the department  
23 shall divide the average daily membership of students reported as living in poverty in each district  
24 of residence by the total average daily membership of students enrolled in the district of residence  
25 in both March 2020 and March 2021. The greater percentage shall be applied to the average daily  
26 membership used in the calculation of foundation education aid. For charter public schools, Davies,  
27 and the Met Center, the average daily membership of students reported as living in poverty shall  
28 be consistent with March 2020 or March 2021, whichever year had the greater total average daily  
29 membership.

30 (B) If the average daily membership in March 2020 is greater for any given community

1 [than in March 2021, the number of pupils shall be reduced by the number of students attending new](#)  
2 [or expanding charter schools in FY 2022.](#)

3 (3) "Basic education program" means the cost of education of resident pupils in grades  
4 twelve (12) and below in average daily membership for the reference year as determined by the  
5 mandated minimum program level;

6 (4) "Certified personnel" means all persons who are required to hold certificates issued by  
7 or under the authority of the board of regents for elementary and secondary education;

8 (5) "Community" means any city, town, or regional school district established pursuant to  
9 law and/or the department of children, youth, and families; provided, however, that the department  
10 of children, youth, and families shall not have those administrative responsibilities and obligations  
11 as set forth in chapter 2 of this title; provided, however, that the member towns of the Chariho  
12 regional high school district, created by P.L. 1958, chapter 55 as amended, shall constitute separate  
13 and individual communities for the purpose of determining and distributing the foundation level  
14 school support including state aid for noncapital excess expenses for the special education of  
15 children with disabilities provided for in § 16-24-6 for all grades financed in whole or in part by  
16 the towns irrespective of any regionalization and any school operated by the state department of  
17 elementary and secondary education;

18 (6) "Department of children, youth, and families" means that department created pursuant  
19 to chapter 72 of title 42. For purposes of this section, §§ 16-7-20, 16-24-2, and 42-72-5(b)(22),  
20 "children" means those children who are placed, assigned, or otherwise accommodated for  
21 residence by the department of children, youth, and families in a state operated or supported  
22 community residence licensed by a state agency and the residence operates an educational program  
23 approved by the department of elementary and secondary education;

24 (7) "Equalized weighted assessed valuation" means the equalized weighted assessed  
25 valuation for a community as determined by the division of property valuation pursuant to the  
26 provisions of § 16-7-21;

27 (8) "Full time equivalency students" means the time spent in a particular activity divided  
28 by the amount of time in a normal school day;

29 (9) "Incentive entitlement" means the sum payable to a local school district under the  
30 formula used;

31 (10) "Mandated minimum program level" means the amount that shall be spent by a  
32 community for every pupil in average daily membership as determined pursuant to the provisions  
33 of § 16-7-18;

34 (11) "Reference year" means the next year prior to the school year immediately preceding

1 that in which the aid is to be paid. For the purposes of calculating the permanent foundation  
2 education formula aid as described in § 16-7.2-3, the reference date shall be one year prior to the  
3 year in which aid is paid; and

4 (12) "Regularly employed" and "service" as applied to certified personnel have the same  
5 meaning as defined in chapter 16 of this title.

6 SECTION 2. Sections 16-7.2-5 and 16-7.2-8 of the General Laws in Chapter 16-7.2 entitled  
7 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

8 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**  
9 **High School, and the Metropolitan Regional Career and Technical Center.**

10 (a) Charter public schools, as defined in chapter 77 of this title, the William M. Davies, Jr.  
11 Career and Technical High School (Davies), and the Metropolitan Regional Career and Technical  
12 Center (the Met Center) shall be funded pursuant to § 16-7.2-3. If the October 1 actual enrollment  
13 data for any charter public school shows a ten percent (10%) or greater change from the prior year  
14 enrollment which is used as the reference year average daily membership, the last six (6) monthly  
15 payments to the charter public school will be adjusted to reflect actual enrollment. The state share  
16 of the permanent foundation education aid shall be paid by the state directly to the charter public  
17 schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall be calculated using the state-  
18 share ratio of the district of residence of the student as set forth in § 16-7.2-4. The department of  
19 elementary and secondary education shall provide the general assembly with the calculation of the  
20 state share of permanent foundation education aid for charter public schools delineated by school  
21 district.

22 (b) The local share of education funding shall be paid to the charter public school, Davies,  
23 and the Met Center by the district of residence of the student and shall be the local, per-pupil cost  
24 calculated by dividing the local appropriation to education from property taxes, net of debt service,  
25 and capital projects, as defined in the uniform chart of accounts by the average daily membership  
26 for each city and town, pursuant to § 16-7-22, for the reference year.

27 (c) Beginning in FY 2017, there shall be a reduction to the local per pupil funding paid by  
28 the district of residence to charter public schools, Davies, and the Met Center. This reduction shall  
29 be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the district of  
30 residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for non-public  
31 textbooks, transportation for non-public students, retiree health benefits, out-of-district special-  
32 education tuition and transportation, services for students age eighteen (18) to twenty-one (21)  
33 years old, pre-school screening and intervention, and career and technical education, tuition and  
34 transportation costs, debt service and rental costs minus the average expenses incurred by charter

1 schools for those same categories of expenses as reported in the uniform chart of accounts for the  
2 prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of elementary  
3 and secondary education. In the case where audited financials result in a change in the calculation  
4 after the first tuition payment is made, the remaining payments shall be based on the most recent  
5 audited data. For those districts whose greater reduction occurs under the calculation of (ii), there  
6 shall be an additional reduction to payments to mayoral academies with teachers who do not  
7 participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per-pupil  
8 value of teacher retirement costs attributable to unfunded liability as calculated by the state's  
9 actuary for the prior preceding fiscal year.

10 (d) Local district payments to charter public schools, Davies, and the Met Center for each  
11 district's students enrolled in these schools shall be made on a quarterly basis in July, October,  
12 January, and April; however, the first local-district payment shall be made by August 15, instead  
13 of July. Failure of the community to make the local-district payment for its student(s) enrolled in a  
14 charter public school, Davies, and/or the Met Center may result in the withholding of state  
15 education aid pursuant to § 16-7-31.

16 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met  
17 Center enrollment, that, combined, comprise five percent (5%) or more of the average daily  
18 membership as defined in § 16-7-22, shall receive additional aid for a period of three (3) years. Aid  
19 in FY 2017 shall be equal to the number of charter public school, open-enrollment schools, Davies,  
20 or the Met Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount  
21 of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to the number of charter  
22 public school, open-enrollment schools, Davies, or the Met Center students as of the reference year  
23 as defined in § 16-7-16 times a per-pupil amount of one hundred dollars (\$100). Aid in FY 2019  
24 shall be equal to the number of charter public school, open-enrollment schools, Davies, or the Met  
25 Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount of fifty  
26 dollars (\$50.00). The additional aid shall be used to offset the adjusted fixed costs retained by the  
27 districts of residence.

28 (f) School districts with charter public school, Davies, and the Met Center enrollment, that,  
29 combined, comprise five percent (5%) or more of the average daily membership as defined in § 16-  
30 7-22, shall receive additional aid intended to help offset the impact of new and expanding charter  
31 schools. For FY 2022, aid shall be equal to the number of new students being served as determined  
32 by the difference between the reference year as defined in § 16-7-16 and FY 2019 times a per-pupil  
33 amount of five hundred dollars (\$500). For FY 2023 and thereafter, aid shall be equal to the number  
34 of new students being served as determined by the difference between the reference year as defined

1 in § 16-7-16 and the prior reference year times a per-pupil amount of five hundred dollars (\$500).  
2 The additional aid shall be used to offset the adjusted fixed costs retained by the districts of  
3 residence.

4 **16-7.2-8. Accountability.**

5 (a) Pursuant to §§ 16-7.1-3 and 16-7.1-5, the department of elementary and secondary  
6 education (the "department") shall use the uniform chart of accounts to maintain fiscal  
7 accountability for education expenditures that comply with applicable laws and regulations,  
8 including but not limited to the basic education program. This data shall be used to develop criteria,  
9 ~~and~~ priorities, and benchmarks specific to each local education agency (LEA) to improve for cost  
10 controls, efficiencies, and program effectiveness. The department ~~of elementary and secondary~~  
11 ~~education~~ shall present ~~this~~ LEA-specific information ~~in the form of an annual report~~ to the LEA  
12 to which it applies, and provide a summary of all LEA reports to the governor and the general  
13 assembly annually, beginning on August 1, 2022.

14 (b) The department of elementary and secondary education shall establish and/or  
15 implement program standards to be used in the oversight of the use of foundation aid calculated  
16 pursuant to § 16-7.2-3. Such oversight will be carried out in accordance with the progressive  
17 support and intervention protocols established in chapter 7.1 of this title.

18 SECTION 3. Chapter 16-22 of the General Laws entitled "Curriculum [See Title 16  
19 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding thereto the  
20 following section:

21 **16-22-34. The basic education program.**

22 (a) For the purposes of this chapter, the "basic education program" means a set of  
23 regulations promulgated by the council on elementary and secondary education pursuant to its  
24 delegated statutory authority to determine standards for the Rhode Island public education system  
25 and the maintenance of local appropriation to support its implementation under Rhode Island  
26 general laws.

27 (b) The basic education program (BEP) shall include, but shall not be limited to, the  
28 following basic elements:

29 (1) A standard for students who are English language learners; and

30 (2) Any other requirements set forth elsewhere in Rhode Island general laws or  
31 departmental regulations.

32 (c) By August 1, 2022, and annually thereafter, the department of elementary and  
33 secondary education (the "department") shall review BEP compliance of each local education  
34 agency (LEA) within the state. The department shall:

1 (1) Assess programmatic compliance with the BEP to ensure high-quality education is  
2 available to all public school students, regardless of where they reside or which school they attend;

3 (2) Determine the incremental cost to meet the BEP utilizing uniform chart of account  
4 (UCOA) data from the LEA and all LEAs statewide;

5 (3) Determine the sufficiency of both the state and the local education aid to the LEA to  
6 meet the BEP; and,

7 (4) If a deficiency exists in the local education aid to the LEA to meet the BEP, the  
8 Department shall consult with the Department of Revenue to issue a joint report to the General  
9 Assembly on the feasibility of the municipality to raise sufficient funds to meet the BEP standard  
10 set in law.

11 SECTION 4. Sections 16-98-2, 16-98-4 and 16-98-6 of the General Laws in Chapter 16-  
12 98 entitled "Access to Advanced Placement Courses for All Students Act [See Title 16 Chapter 97  
13 - The Rhode Island Board of Education Act]" are hereby amended to read as follows:

14 **16-98-2. Definitions.**

15 The following words and phrases when used in this chapter shall have the following  
16 meanings given to them unless the context clearly indicates otherwise:

17 (1) "Advanced placement" means a college-level class taught at the high school level  
18 ~~preparatory course for a college advanced placement that provides students the opportunity to earn~~  
19 college credit upon passage of an exam that:

20 (i) Incorporates all topics specified by the ~~college-board~~ College Board on its standards  
21 syllabus for a given subject area; and

22 (ii) Is authorized by the ~~college-board~~ College Board.

23 (2) ~~"Board of regents" means the board of regents for elementary and secondary education.~~

24 (3) "College ~~board~~ Board " means ~~the non-profit examination board in the United States~~  
25 ~~comprised of over four thousand five hundred (4,500) institutions of higher learning and known for~~  
26 ~~managing standardized tests such as the advanced placement or "AP" tests~~ and refers to the  
27 nonprofit organization that develops and administers standardized tests and curricula used by  
28 kindergarten through grade twelve (K-12) and post-secondary education institutions to promote  
29 college readiness.

30 (4) "Department" means the Rhode Island department of elementary and secondary  
31 education.

32 (5) "Eligible teacher" means a professional employee that is certified in the subject area of  
33 the advanced placement course that he or she will be teaching.

34 (6) "Examination" or "exam" means the test provided by the College Board to measure a

1 [student's mastery of the advanced placement subject matter.](#)

2 ~~(6)~~(7) "Four core academic areas" means advanced placement courses in English,  
3 mathematics, science and social science.

4 ~~(7)~~(8) "Poverty level" means ~~the percentage of students in a school district eligible for free~~  
5 ~~and reduced lunch~~ [students whose family income is at or below one hundred eighty-five percent](#)  
6 [\(185%\) of federal poverty guidelines.](#)

7 ~~(8)~~(9) "Program" means [furtherance of](#) the advanced placement [classes in the public](#)  
8 [schools and includes](#) teacher training ~~program~~ [and increased student participation.](#)

9 ~~(9)~~(10) "School district" means any public school district, school unit, area-vocational-  
10 technical school, ~~or~~ charter school [or mayoral academy](#) that composes a school district; the term  
11 also encompasses a single high school or multiple high schools within a school district where  
12 applicable.

13 ~~(10)~~(11) "Teacher training entities" means institutions of higher education, intermediate  
14 units or organizations approved/certified by the ~~college-board~~ [College Board](#) to train teachers to  
15 teach advanced placement courses.

16 ~~(11)~~(12) "Virtual learning instruction" means providing academic courses to students via  
17 the Internet and/or the use of technology in providing instruction to students.

18 **16-98-4. Powers and duties of department.**

19 (a) Guidelines. The department shall promulgate rules, regulations and procedures  
20 necessary for the implementation of this chapter including, but not limited to, the following:

21 (1) In consultation with the ~~college-board~~ [College Board](#), certify those teacher-training  
22 entities that are qualified to provide training of teachers to teach advanced placement courses in the  
23 four (4) core academic areas;

24 (2) In certifying teacher-training entities for this program, the department shall ensure that  
25 the training times and locations will be geographically accessible for teachers from eligible school  
26 entities to attend;

27 (3) The department, in consultation with the ~~college-board~~ [College Board](#), shall ensure that  
28 training provided by those teacher-training entities must provide teachers of advanced placement  
29 courses with the necessary content knowledge and instructional skills to prepare students for  
30 success in advanced placement courses and examinations; ~~and~~

31 (4) Starting at the end of the first year of the program, and every year thereafter, the  
32 department shall issue a report to the general assembly on the advanced placement teacher-training  
33 program that shall include, but not be limited to:

34 (i) The number of teachers receiving training in advanced placement instructions in school

1 entities, school districts and high schools in each of the four (4) core academic areas.

2 (ii) The number of students taking advanced placement courses at school entities in each  
3 of the four (4) core academic areas.

4 (iii) The number of students scoring a three (3) or more on an advanced placement  
5 examination at school entities in each of the four (4) core academic areas.

6 (iv) The remaining unmet need for trained teachers in school entities that do not offer  
7 advanced placement courses.

8 (v) The number of students taking advanced placement courses who do not take the  
9 advanced placement examination.

10 (vi) The number of students below the poverty level who take advanced placement courses.

11 (vii) The number of students below the poverty level who take advanced placement courses  
12 and do not take the advanced placement examination; and.

13 (5) In consultation with local education authorities, ensure that the opportunity to  
14 participate in the advanced placement program and gain college credit is available to the greatest  
15 amount of students as practicable.

16 (b) Nothing in this chapter shall prohibit the board of education, through the department,  
17 from expanding the program to include other nationally accepted courses of study that provide  
18 students an opportunity to gain college credits from classes taken in high school.

19 **16-98-6. Program funding.**

20 (a) Funding shall be for ~~this program is subject to appropriation by the general assembly to~~  
21 ~~the department for that purpose~~ the purpose of providing advanced placement examinations to  
22 students at or below the poverty level at no cost to the student.

23 ~~(b) In the event that insufficient moneys are appropriated in any fiscal year to provide~~  
24 ~~funding for all eligible school entities applying to the program, the department shall prioritize~~  
25 ~~funding of eligible school entities based on the poverty level of the school districts that high school~~  
26 ~~students who will be taking the advanced placement courses reside in.~~ Notwithstanding any general  
27 law, rule or regulation to the contrary, the department shall include as part of its annual budget the  
28 amount necessary to pay the exam costs for all students below the poverty level who take advanced  
29 courses.

30 SECTION 5. This article shall take effect upon passage.

31