ARTICLE 10

RELATING TO EDUCATION

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

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

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

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

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

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

(B) If the average daily membership in March 2020 is greater for any given community
than in March 2021, the number of pupils shall be reduced by the number of students attending new
or expanding charter schools in FY 2022.

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

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

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

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

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

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

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

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

(11) "Reference year" means the next year prior to the school year immediately preceding
that in which the aid is to be paid. For the purposes of calculating the permanent foundation
education formula aid as described in § 16-7.2-3, the reference date shall be one year prior to the
year in which aid is paid; and

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

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

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

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

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

(c) Beginning in FY 2017, there shall be a reduction to the local per pupil funding paid by
the district of residence to charter public schools, Davies, and the Met Center. This reduction shall
be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the district of
residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for non-public
textbooks, transportation for non-public students, retiree health benefits, out-of-district special-
education tuition and transportation, services for students age eighteen (18) to twenty-one (21)
years old, pre-school screening and intervention, and career and technical education, tuition and
transportation costs, debt service and rental costs minus the average expenses incurred by charter
schools for those same categories of expenses as reported in the uniform chart of accounts for the
prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of elementary
and secondary education. In the case where audited financials result in a change in the calculation
after the first tuition payment is made, the remaining payments shall be based on the most recent
audited data. For those districts whose greater reduction occurs under the calculation of (ii), there
shall be an additional reduction to payments to mayoral academies with teachers who do not
participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per-pupil
value of teacher retirement costs attributable to unfunded liability as calculated by the state's
actuary for the prior preceding fiscal year.

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

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

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

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The additional aid shall be used to offset the adjusted fixed costs retained by the districts of residence.

16-7.2-8. Accountability.

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

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

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

16-22-34. The basic education program.

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

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

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

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

(c) By August 1, 2022, and annually thereafter, the department of elementary and secondary education (the "department") shall review BEP compliance of each local education agency (LEA) within the state. The department shall:
(1) Assess programmatic compliance with the BEP to ensure high-quality education is available to all public school students, regardless of where they reside or which school they attend;

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

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

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

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


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

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

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

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

(2) “Board of regents” means the board of regents for elementary and secondary education.

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

(4) “Department” means the Rhode Island department of elementary and secondary education.

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

(6) “Examination” or "exam" means the test provided by the College Board to measure a
student's mastery of the advanced placement subject matter.

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

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

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

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

(10) "Teacher training entities" means institutions of higher education, intermediate units or organizations approved/certified by the college board College Board to train teachers to teach advanced placement courses.

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

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

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

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

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

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

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

(i) The number of teachers receiving training in advanced placement instructions in school
entities, school districts and high schools in each of the four (4) core academic areas.

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

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

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

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

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

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

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

16-98-6. Program funding.

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

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

SECTION 5. This article shall take effect upon passage.