ARTICLE 10 AS AMENDED

RELATING TO EDUCATION

SECTION 1. Sections 16-7-16, 16-7-20 and 16-7-40 of the General Laws in Chapter 16-7 entitled “Foundation Level School Support” are 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 7.2 of this title.

(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 7.2 of this title. 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.

(iii) For FY 2023, "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, March 2021 or March 2022, 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 7.2 of this title. 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
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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, March 2021 or March 2022, 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 and March 2022, the number of pupils shall be reduced by the number of
students attending new or expanding charter schools in FY 2022 and FY 2023.

(C) If the average daily membership in March 2021 is greater for any given community
than in March 2022, the number of pupils shall be reduced by the number of students attending new
or expanding charter schools in FY 2023.

(iv) Notwithstanding subsection (2)(iii) above, for FY 2023 only, for any local education
agency in which the calculation of aid under subsection (2)(i) of this section and § 16-7-20(a) would
be greater than the calculation of aid under subsection (2)(iii) of this section, such local education
agency shall receive an additional appropriation equivalent to twenty percent (20%) of the
difference in aid that would have been received under subsection (2)(i) of this section. The
additional appropriation shall be as follows:

Barrington - $302,169
East Greenwich - $148,478
Exeter - $106,335
North Smithfield - $30,508
Richmond - $502
Smithfield - $75,374
Beacon Charter School - $22,731
Blackstone Academy - $11,212
Village Green Charter School - $1,073
Davies Career and Technical School - $2,808

(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 council on 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, ch. 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.

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

16-7-20. Determination of state's share.

(a) For each community the state's share shall be computed as follows: Let

\[ R = \text{state share ratio for the community.} \]

\[ v = \text{adjusted equalized weighted assessed valuation for the community, as defined in § 16-7-21(3).} \]

\[ V = \text{sum of the values of } v \text{ for all communities.} \]

\[ m = \text{average daily membership of pupils in the community as defined in § 16-7-22(3).} \]

\[ M = \text{total average daily membership of pupils in the state.} \]

\[ E = \text{approved reimbursable expenditures for the community for the reference year minus the excess costs of special education, tuitions, federal and state receipts, and other income.} \]

Then the state share entitlement for the community shall be \( RE \) where

\[ R = 1 - 0.5 \frac{vM}{Vm} \text{ through June 30, 2011, and } R = 1 - 0.475 \frac{vM}{Vm} \text{ beginning on July 1, 2011 and thereafter. Except that in no case shall } R \text{ be less than zero percent (0%).} \]

(b) Whenever any funds are appropriated for educational purposes, the funds shall be used for educational purposes only and all state funds appropriated for educational purposes must be used to supplement any and all money allocated by a city or town for educational purposes and in no event shall state funds be used to supplant, directly or indirectly, any money allocated by a city or town for educational purposes. The courts of this state shall enforce this section by writ of mandamus.

(c) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro Children's Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved by the council on elementary and secondary education in accordance with currently existing rules and regulations for administering state aid, and subject to annual appropriations by the general assembly including, but not limited to, expenditures for educational personnel, supplies, and materials in the prior fiscal year.

(d) In the event the computation of the state's share for any local education agency as outlined in subsection (a) is determined to have been calculated incorrectly after the state budget
for that fiscal year has been enacted, the commissioner of elementary and secondary education shall
notify affected local education agencies, the senate president, and the speaker of the house within
fifteen (15) days of the determination.

(e) Realignment of aid payments to the affected local education agencies pursuant to
subsection (d) shall occur in the following fiscal year:

(1) If the determination shows aid is underpaid to the local education agency, any amounts
owed shall be paid in equal monthly installments.

(2) If the determination shows aid was overpaid, the department of elementary and
secondary education shall recapture some amount of the aid from the overpaid local education
agency. The amount to be withheld shall be equal to the amount of the overpayment prorated to the
number of full months remaining in the fiscal year when the notification required in subsection (d)
was made.

(f) The above notwithstanding, in no event shall the total paid to a local education agency
in the 2023 fiscal year pursuant to subsection (a), above, be reduced as a result of the
implementation of subsection (e), above; provided, however, that for the 2022 fiscal year, the full
amount of any payment due to an underpayment and realignment under subsection (e)(1), above,
shall be made for fiscal year 2022.

(g) Data used for the calculation of the FY 2022 state share ratio shall also be used for the
calculation of the FY 2023 state share ratio.

16-7-40. Increased school housing ratio.

(a)(1) In the case of regional school districts, the school housing aid ratio shall be increased
by two percent (2%) for each grade so consolidated.

(2) Regional school districts undertaking renovation project(s) shall receive an increased
share ratio of four percent (4%) for those specific project(s) only, in addition to the combined share
ratio calculated in § 16-7-39 and this subsection.

(b) In the case of projects undertaken by districts specifically for the purposes of school
safety and security, the school housing aid share ratio shall be increased by five percent (5%) for
these specific projects only, in the calculation of school housing aid. The increased share ratio shall
continue to be applied for as long as the project(s) receives state housing aid. In order to qualify for
the increased share ratio, seventy-five percent (75%) of the project costs must be specifically
directed to school safety and security measures. The council on elementary and secondary
education shall promulgate rules and regulations for the administration and operation of this
section.

(c) For purposes of addressing health and safety deficiencies as defined by the school
building authority, including the remediation of hazardous materials, the school housing aid ratio shall be increased by five percent (5%) so long as the construction of the project commences by December 30, 2022, 2023, is completed by December 30, 2027, 2028, and a two hundred fifty million dollar ($250,000,000) general obligation bond is approved on the November 2018 ballot.

In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to this purpose.

(d) For purposes of educational enhancement, including projects devoted to the enhancement of early childhood education and career and technical education, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2022, 2023, is completed by December 30, 2027, 2028, and a two hundred fifty million dollar ($250,000,000) general obligation bond is approved on the November 2018 ballot.

In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to these purposes.

(e) For replacement of a facility that has a facilities condition index of sixty-five percent (65%) or higher, the school housing ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023, is completed by December 30, 2028, does not receive a bonus pursuant to subsection (f) or subsection (g), and a two hundred fifty million dollar ($250,000,000) general obligation bond is approved on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to this purpose.

(f) For any new construction or renovation that increases the functional utilization of any facility from less than sixty percent (60%) to more than eighty percent (80%), including the consolidation of school buildings within or across districts, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023, is completed by December 30, 2028, and a two hundred fifty million dollar ($250,000,000) general obligation bond is approved on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to this purpose.

(g) For any new construction or renovation that decreases the functional utilization of any facility from more than one hundred twenty percent (120%) to between eighty-five percent (85%) to one hundred five percent (105%), the school housing ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023, is completed by December 30, 2028, and a two hundred fifty million dollar ($250,000,000) general obligation bond
is approved on the November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to this purpose.

(h) For consolidation of two (2) or more school buildings, within or across districts into one school building, the school housing aid ratio shall be increased by five percent (5%) so long as construction of the project commences by December 30, 2023, is completed by December 30, 2028, a two hundred fifty million dollar ($250,000,000) general obligation bond is approved on the November 2018 ballot, and does not receive a bonus pursuant to subsection (f) or subsection (g).

In order to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred thousand dollars ($500,000) must be specifically directed to this purpose.

(i) Any regionalized and/or non-regionalized school district receiving an increased share ratio for a project approved prior to July 1, 2018, shall continue to receive the increased share ratio for as long as the project receives state housing aid.

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


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

(1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-instruction amount as established by the department of elementary and secondary education, derived from the average of northeast regional expenditure data for the states of Rhode Island, Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics (NCES) that will adequately fund the student instructional needs as described in the basic education program and multiplied by the district average daily membership as defined in § 16-7.2-22.

Expenditure data in the following categories: instruction and support services for students, instruction, general administration, school administration, and other support services from the National Public Education Financial Survey, as published by NCES, and enrollment data from the Common Core of Data, also published by NCES, will be used when determining the core-instruction amount. The core-instruction amount will be updated annually. For the purpose of calculating this formula, school districts' resident average daily membership shall exclude charter school and state-operated school students.
(2) The amount to support high-need students beyond the core-instruction amount shall be determined by multiplying a student success factor of forty percent (40%) by the core instruction per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child whose family income is at or below one hundred eighty-five percent (185%) of federal poverty guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part of its budget submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of elementary and secondary education shall develop and utilize a poverty measure that in the department's assessment most accurately serves as a proxy for the poverty status referenced in this subsection and does not rely on the administration of school nutrition programs. The department shall utilize this measure in calculations pursuant to this subsection related to the application of the student success factor, in calculations pursuant to § 16-7-2-4 related to the calculation of the state share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department may also include any recommendations which seek to mitigate any disruptions associated with the implementation of this new poverty measure or improve the accuracy of its calculation.

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

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

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

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

SECTION 3. Section 16-87-4 of the General Laws in Chapter 16-87 entitled "Rhode Island Prekindergarten Education Act" is hereby amended to read as follows:

16-87-4. Early childhood workforce development.

(a) The Rhode Island department of elementary and secondary education shall work with other state departments and private philanthropy to establish a statewide, comprehensive, research-based early childhood workforce development scholarship program to expand the numbers of early childhood educators who have an associate's or bachelor's degree in early childhood education and who work with children from birth to age five (5).
(b)(1) In furtherance of the goals set forth in this chapter, no later than January 1, 2023, the governor’s workforce board shall convene a working group comprised of representatives from the department of elementary and secondary education, department of human services, office of the postsecondary commissioner, the RI early learning council, organized labor and early childhood education industry employers, whose purpose shall be to identify barriers to entry into the early childhood education workforce, and to design accessible and accelerated pathways into the workforce, including, but not limited to, registered apprenticeships and postsecondary credit for prior work experience.

(2) No later than April 1, 2023, the working group shall provide the general assembly with recommendations for addressing the barriers to workforce entry and implementing the solutions identified by the working group; the recommendations shall outline any administrative and legislative action that would be required by participating agencies to implement the recommendations.

SECTION 4. Chapter 16-87 of the General Laws entitled “Rhode Island Prekindergarten Education Act” is hereby amended by adding thereto the following sections:

16-87-6. Planning for prekindergarten expansion.  

On or before December 31, 2022, the department of elementary and secondary education, in collaboration with the department of human services and the children’s cabinet, as established in § 45-72.5, shall submit to the governor, speaker of the house, president of the senate, and chairs of house and senate finance and education committees, an annual growth plan to expand the state prekindergarten program to five thousand (5,000) seats, for three- and four-year-old children, over five (5) years, beginning in FY 2024, as well as recommendations for achieving universal prekindergarten in the state. The growth plan shall detail annual targets and projected funding needs, as well as how the state will:

(a) Equitably distribute prekindergarten funding to eligible providers;

(b) Ensure that access to infant and toddler care is not at risk as the state prekindergarten program is expanded;

(c) Prepare, recruit and retain a highly-qualified early childhood workforce, including adequate wages for early childhood educators, regardless of setting;

(d) Build capacity among new and existing providers to ensure quality standards are met in all settings; and,

(e) Ensure providers in the mixed-delivery system have sufficient facilities to expand access to high-quality prekindergarten services.

16-87-7. Pre-kindergarten facilities.
(a) No later than December 31, 2022, the department of human services shall provide the
speaker of the house and president of the senate with a report on the status of disbursement and
impact of capital funds made available by the early learning facilities general obligation bond
approved on March 2, 2021.

(b) The departments of elementary and secondary education and human services may also
provide recommendations for programs and initiatives to ensure that early childhood education
providers utilize facilities that meet licensing and facilities standards, in order to increase access to
high-quality prekindergarten learning environments. Programs and initiatives may include, but
shall not be limited to:

(1) Grant programs for facility planning and/or emergency facility maintenance;
(2) Establishing strategic partnerships between local education agencies and community-
based early learning providers to make use of available space in existing facilities; and/or
(3) Technical assistance for providers to access capital, navigate licensing standards for
facilities, and/or begin the facility improvement and development processes.

SECTION 5. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
adding thereto the following chapter:

CHAPTER 87.1

EARLY CHILDHOOD GOVERNANCE WORKING GROUP

16-87.1-1. Early childhood governance working group.

(a) There shall be created an early childhood governance working group ("the working
group") consisting of:

(1) The director of the department of human services, or designee;
(2) The commissioner of the department of education, or designee;
(3) The commissioner of postsecondary education, or designee;
(4) The director of the department of health, or designee;
(5) The director of the department of administration, or designee;
(6) Chair of the children’s cabinet, who shall be responsible for convening the working
group; and
(7) The executive director of RI Kids Count, or designee.

(b) The working group shall convene any necessary subgroups of working group members
and other stakeholders to inform and complete the early childhood governance recommendations
required under this section.

(c) On or before October 1, 2023, the working group shall submit a report to the governor,
speaker of the house, president of the senate, and chairs of house and senate finance and education
committees, that shall include recommendations regarding the governance of early childhood programs in the state. The recommendations shall address, but need not be limited to:

1. The coordination and administration of early childhood programs and services;
2. The governance and organizational structure of early childhood programs and services, including whether, and under what circumstances, the state should consider unifying early childhood programs under one state agency;
3. The fiscal structure of proposed recommendations; and
4. The implementation of early childhood data systems, for strategic planning, program implementation and program evaluation.

(d) Staff of the children’s cabinet shall provide assistance in completing the duties of the working group identified in this section.

(e) The RI early learning council shall serve as an advisory body to the working group.

SECTION 6. Section 16-107-5 of the General Laws in Chapter 16-107 entitled “Rhode Island Promise Scholarship” is hereby amended to read as follows:

16-107-5. Administration of scholarship program.

(a) The financial aid office, in conjunction with the office of enrollment management or their respective equivalent offices, at the community college of Rhode Island, shall administer the scholarship program for state residents seeking associate degrees who meet the eligibility requirements in this chapter.

(b) An award of the scholarship program shall cover the cost of two (2) years of tuition and mandatory fees, less federal and all other financial aid monies available to the recipient student. No grant received by students from the College Crusade Scholarship Act as established in chapter 70 of title 16 shall be considered federal or financial aid for the purposes of this chapter.

(c) The scholarship program is limited to one award per student as required by § 16-107-6(a)(7).

SECTION 7. This Article shall take effect upon passage.