

2012 -- S 2461

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - STATE REIMBURSEMENT

Introduced By: Senators Lombardo, Picard, Cote, Maher, and Pinga

Date Introduced: February 16, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-64-1.1, 16-64-1.2 and 16-64-1.3 of the General Laws in
2 Chapter 16-64 entitled "Residence of Children for School Purposes" are hereby amended to read
3 as follows:

4 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
5 **foster care, group homes, or other residential facility by a Rhode Island state agency. --** (a)

6 Children placed in foster care by a Rhode Island licensed child placing agency or a Rhode Island
7 governmental agency shall be entitled to the same free appropriate public education provided to
8 all other residents of the city or town where the child is placed. The ~~city or town~~ state shall pay
9 the cost of the education of the child during the time the child is in foster care in the city or town.

10 (b) Children placed by DCYF in a group home or other residential facility that does not
11 include the delivery of educational services are to be educated by the community in which the
12 group home or other residential facility is located, and those children shall be entitled to the same
13 free appropriate public education provided to all other residents of the city or town where the
14 child is placed. For purposes of payment and reimbursement for educational costs under this
15 chapter, the term "group home or other residential facility" shall not include independent living
16 programs. Each city and town that contains one or more group homes or other residential
17 facilities that do not include delivery of educational services will receive funds from the state,
18 through the DCYF, for the entire cost of educating any children placed by DCYF in a group home
19 or other residential facility as provided for herein, as part of state aid to education in accordance

1 with the following provisions:

2 (1) On December 31 of each year the DCYF shall provide the department of elementary
3 and secondary education with a precise count of how many group home or other residential
4 facility "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities
5 that do not include the delivery of educational services. The number of "beds" in each group
6 home or other residential facility shall be equal to the maximum number of children that may be
7 placed in that group home or other residential facility on any given night according to the
8 applicable licensure standards of the DCYF.

9 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by the
10 Department of Children, Youth and Families for a school district by December 31, 2007 is greater
11 than the number certified March 14, 2007 upon which the education aid for FY 2008 was
12 appropriated, the education aid for that district will be increased by the number of increased beds
13 multiplied by fifteen thousand dollars (\$15,000). Notwithstanding the provisions of this section or
14 any law to the contrary, the education aid for all group home or other residential facility "beds"
15 located or associated with the Children's Residential and Family Treatment (CRAFT) program
16 located on the East Providence campus of Bradley Hospital shall be twenty-two thousand dollars
17 (\$22,000) per bed. The Department of Elementary and Secondary Education shall include the
18 additional aid in equal payments in March, April, May and June, and the Governor's budget
19 recommendations pursuant to section 35-3-8 shall include the amounts required to provide the
20 increased aid.

21 For all fiscal years beginning after June 30, 2008, education aid for each school district
22 shall include fifteen thousand dollars (\$15,000) for each bed certified by the Department of
23 Children, Youth and Families by the preceding December 31. Notwithstanding the provisions of
24 this section or any law to the contrary, the education aid for all group home or other residential
25 facility "beds" located or associated with the Children's Residential and Family Treatment
26 (CRAFT) program located on the East Providence campus of Bradley Hospital shall be twenty-
27 two thousand dollars (\$22,000) per bed. For all fiscal years beginning after June 30, 2008,
28 whenever the number of beds certified by the Department of Children, Youth and Families for a
29 school district by December 31 is greater than the number certified the prior December 31 upon
30 which the education aid for that fiscal year was appropriated, the education aid for that district as
31 enacted by the assembly during the prior legislative session for that fiscal year will be increased
32 by the number of increased beds multiplied by the amount per bed authorized for that fiscal year.
33 The Department of Elementary and Secondary Education shall include the additional aid in equal
34 payments in March, April, May and June, and the Governor's budget recommendations pursuant

1 to section 35-3-8 shall include the amounts required to provide the increased aid.

2 Provided, for all fiscal years beginning after July 1, 2012, the state, through the DCYF,
3 shall pay for the entire cost of the education of the children using these beds, based upon the
4 number of certified beds determined pursuant to this section.

5 (3) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

6 (4) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

7 (5) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

8 (c) Children placed by DCYF in a residential treatment program, group home, or other
9 residential facility, whether or not located in the state of Rhode Island, which includes the
10 delivery of educational services, provided by that facility (excluding facilities where students are
11 taught on grounds for periods of time by teaching staff provided by the school district in which
12 the facility is located), shall have the entire cost of their education paid for by the state, through
13 DCYF. ~~as provided for in subsection (d) of this section and section 16-64-1.2. The city or town~~
14 ~~determined to be responsible to DCYF for a per pupil special education cost pursuant to section~~
15 ~~16-64-1.2 shall pay its share of the cost of educational services to DCYF or to the facility~~
16 ~~providing educational services.~~

17 (d) Children placed by DCYF in group homes, child caring facilities, community
18 residences, or other residential facilities shall have the entire cost of their education paid for by
19 DCYF, ~~if:~~

20 ~~(1) The facility is operated by the state of Rhode Island or the facility has a contract with~~
21 ~~DCYF to fund a pre-determined number of placements or part of the facility's program;~~

22 ~~(2) The facility is state-licensed; and~~

23 ~~(3) The facility operates an approved on-grounds educational program, whether or not~~
24 ~~the child attends the on-grounds program.~~

25 (e) For all school years commencing on or after July 1, 2012, state funds shall be tracked
26 by the department of education and paid based upon the actual number of students who are being
27 educated in the city or town. If a student moves or is placed in another facility by the DCYF
28 during the school year which results in the student attending a public school in another city or
29 town, the moneys paid to the city or town for education of said child shall be prorated and
30 disbursed in proportions to the number of days during the year that the student is being educated
31 by the city or town. If the student is moved but remains in a private setting, the payments shall
32 continue accordingly. It is the intention of the general assembly that the state moneys paid for
33 education shall follow the residence of the child and be utilized for the education of such child, to
34 the greatest extent reasonably possible, and that the state shall realize cost-savings by tracking the

1 [actual number of days a student attends a particular school district and makes payments based](#)
2 [thereon.](#)

3 **16-64-1.2. Designation of residency of children in state care for purposes of financial**
4 **responsibility under section 16-64-1.1(c) -- Effect of designation of residence. --** (a) An initial
5 factual determination and designation of the residence of the parent(s) of a child placed in the
6 care and custody of the state shall be made by the family court in accordance with section 33-
7 15.1-2. The director of the department of children, youth, and families shall incorporate any
8 designation of parent's residence on the child's intra-state education identification card and update
9 the designation pursuant to section 42-72.4-1(b).

10 (b) If no factual determination and designation of the residence of the parent(s) of a child
11 placed in the care and custody of the state is made by the family court pursuant to section 16-64-
12 1.2(a), then the department of elementary and secondary education shall designate the city or
13 town to be responsible for the per-pupil special education cost of education to be paid to DCYF
14 or to the facility providing educational services for children in state care pursuant to section 16-
15 64-1.1(c).

16 (c) The department of elementary and secondary education shall designate the city or
17 town to be responsible for the per-pupil special education cost of education to be paid to DCYF
18 for children in state care who have neither a father, mother, nor guardian living in the state or
19 whose residence can be determined in the state or who have been surrendered for adoption or who
20 have been freed for adoption by a court of competent jurisdiction using the following criteria: (1)
21 last known Rhode Island residence of the child's father, mother, or guardian prior to moving from
22 the state, dying, surrendering the child for adoption or having parental rights terminated; (2) when
23 the child's parents are separated or divorced and neither parent resides in the state, the last known
24 residence of the last parent known to have lived in the state. This designation by the department
25 of elementary and secondary education shall be incorporated on the child's intra-state education
26 identification card.

27 (d) The designation of a city or town pursuant to subsection (a), (b), or (c) of this section
28 shall constitute prima facie evidence of parents' residence in the city or town and/or the city or
29 town's ~~financial~~ responsibility for the child's education as provided in section 16-64-1.1. ~~Pending~~
30 ~~any final decision under section 16-64-6 that a different city, town or agency bears any financial~~
31 ~~responsibility, the commissioner shall be authorized to order the general treasurer to deduct the~~
32 ~~amount owed from the designated community's school aid and to pay this amount to DCYF.~~

33 **16-64-1.3. Educational responsibility for children in group homes and other**
34 **residential placements. --** (a) The city or town in which a foster home, group home, or other

1 residential facility that does not include the delivery of educational services is located shall be
2 responsible for the free appropriate public education of any child residing in those placements,
3 including all procedural safeguards, evaluation, and instruction in accordance with regulations
4 under chapter 24 of this title, for any period during which a child is residing in the city or town.
5 The city or town shall coordinate its efforts with any other city or town to which a child moves
6 when exiting the city or town responsible under this subsection. For any school year
7 commencing on or after July 1, 2012, the state, through the DCYF, shall pay the entire cost of the
8 education of all said children.

9 ~~(b) The city or town responsible for payment under section 16-64-1.1(c) for payment of a~~
10 ~~city or town's per pupil special education cost to DCYF for a child placed in a residential facility,~~
11 ~~group home, or other residential facility that includes the delivery of educational services shall be~~
12 ~~responsible for the free, appropriate public education, including all procedural safeguards,~~
13 ~~evaluation and instruction in accordance with regulations under chapter 24 of this title.~~

14 SECTION 2. This act shall take effect on July 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION - STATE REIMBURSEMENT

1 This act would provide that the state, acting through the DCYF, would pay for the costs
2 of educating children placed in group homes or certain other facilities by the DCYF.

3 This act would take effect on July 1, 2012.

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