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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

AN ACT RELATING TO EDUCATION - THE INTER-DISTRICT SCHOOL CHOICE PROGRAM

Introduced By: Representatives Nardolillo, Lancia, Giarrusso, and Chippendale

Date Introduced: February 25, 2015

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 105

4 THE INTER-DISTRICT SCHOOL CHOICE PROGRAM

5 **16-105-1. Definitions.** -- As used in this chapter, the following terms shall have the
6 following meanings:

7 (1) "Above permanent foundation education aid amount" means: (i) For fiscal year
8 commencing July 1, 2016, fifty percent (50%) of the net losses incurred by a school district for
9 students who leave said district due to the provisions of this chapter; provided, however, that if
10 the amount lost by said district pursuant to this chapter is greater than two percent (2%) of the
11 total school budget of said district, the amount of said reimbursement shall be equal to seventy-
12 five percent (75%) of the net losses that result from the provisions of this chapter;

13 (ii) Beginning in the fiscal year commencing July 1, 2017, and annually thereafter, the
14 amount of reimbursement shall be twenty-five percent (25%) of the net losses due to the
15 provisions of this chapter.

16 (2) "Department" means the department of elementary and secondary education.

17 (3) "Receiving district" means any city, town or regional school district within the state in
18 which a child does not reside, but in which that child attends public school under the provisions

1 of this chapter.

2 (4) "Sending district" means any city, town or regional school district within the state in
3 which a child resides, but in which that child does not attend public school under the provisions
4 of this chapter.

5 (5) "State school choice limit" means: (i) In the fiscal year commencing July 1, 2016, one
6 percent (1%) of the total number of students attending public schools in the state;

7 (ii) In the fiscal year commencing July 1, 2017, one and one-half percent (1.5%) of the
8 total number of students attending public schools in the state;

9 (iii) In the fiscal year commencing July 1, 2018, one and three-quarters percent (1.75%)
10 of the total number of students attending public schools in the state; and

11 (iv) In the fiscal year commencing July 1, 2019, and thereafter, two percent (2%) of the
12 total number of students attending public schools in the state.

13 **16-105-2. Inter-district school choice program established.** -- Effective July 1, 2016,
14 any child may attend a public school, in a city or town where he/she does not reside, as provided
15 for in this chapter; provided, however, that the receiving district shall be paid by the state a tuition
16 rate as established in §16-105-6.

17 **16-105-3. Reports to department of education.** -- (a) Commencing in 2016, not later
18 than May 1 of every year, the school committee of each city, town or regional school district shall
19 submit a report to the department of elementary and secondary education stating:

20 (1) The capacity of each school in said city, town or regional school district for the
21 following academic year;

22 (2) The number of students expected to attend each school in said city, town or regional
23 school district in the following academic year;

24 (3) The number of students attending said school district under the terms of this chapter
25 in the prior school year and the number of those students who are expected no longer to be
26 attending said school district in the next school year, except that such numbers shall not be
27 required in the report filed for May 1, 2016; and

28 (4) The number of additional seats therefore available to non-resident students.

29 (b) The department may require every district to update this report in whatever manner is
30 required to effectuate the objectives of this section.

31 **16-105-4. Participation by district in school choice program – Withdrawal from**
32 **program.** -- Each city, town or regional school district shall enroll non-resident students at the
33 school of such non-resident student's choice, provided, however, that such receiving district has
34 seats available as stated in the report required pursuant to § 16-105-3. Provided, however, that

1 this obligation to enroll non-resident students shall not apply to a district for a school year in
2 which its school committee, prior to June 1, after a public hearing, adopts a resolution
3 withdrawing from said obligation, for the school year beginning the following September. Any
4 such resolution of a school committee shall state the reasons therefor, and such resolution with
5 said reasons shall be filed with the department of education; provided, however, that said
6 department shall have no power to review any such decision by a school committee. If the city,
7 town or regional school district operates an intra-district choice plan, such as through the use of
8 magnet schools, non-resident students may apply for schools on the same basis as resident
9 students, but the intra-district choice plan may give preference to resident students in assigning
10 students to schools.

11 **16-105-5. Verification of participation and availability.** -- Commencing in 2016, not
12 later than the July 1 in each year, each city, town or regional school district shall submit a non-
13 resident attendance report to the department and to the state treasurer, certifying the number of
14 non-resident applicants for each available seat in each school, the disposition of their
15 applications, how many of said applicants will be attending the district in the next school year, the
16 identity of the sending districts for those students, the annual amount of tuition for each such
17 child and the total tuition owed to the district based on full or partial attendance, itemized by the
18 amount attributable to each city or town of residence. The department may review said
19 certification to determine that the amount of the individual tuition charged for each child is in
20 accordance with the provisions of this chapter and shall inform the general treasurer of any errors.
21 The department may also, on a post-audit basis, verify the admission and attendance of the
22 number of children certified by each school district. In addition to the foregoing, all said districts
23 shall, on October 1 and April 1 report to the department and certify to the general treasurer
24 accurate and up-to-date reports of all the information required in the nonresident attendance
25 report. If the total number of students admitted to receiving districts pursuant to this chapter is
26 greater than the state school choice limit, the department shall notify all districts that no more
27 students may be accepted pursuant to this section.

28 **16-105-6. Tuition amounts.** -- (a) For each student enrolling in a receiving district, there
29 shall be a school choice tuition amount. Said tuition amount shall be equal to seventy-five percent
30 (75%) of the actual per pupil spending amount in the receiving district for such education as is
31 required by such non-resident student, but not more than five thousand dollars (\$5,000); provided,
32 however, that for special education students whose tuition amount shall remain the expense per
33 student for such type of education as is required by such non-resident student. The state treasurer
34 is hereby authorized and directed to deduct said school choice tuition amount from the total

1 permanent foundation education aid pursuant to § 16-7.2-3 of said student's sending district, prior
2 to the distribution of said aid and to deposit said aid in the school choice tuition trust fund
3 established by § 16-105-17.

4 (b) In the case of a child residing in a municipality which belongs to a regional school
5 district, the school choice tuition amount shall be deducted from permanent foundation education
6 aid of the school district appropriate to the grade level of the child. If, in a single district, the total
7 of all such deductions exceeds the total of said education aid, this excess amount shall be
8 deducted from other aid appropriated to the city or town. If, in a single district, the total of all
9 such deductions exceeds the total state aid appropriated, the state shall appropriate this excess
10 amount; provided, however, that id said district has exempted itself from the provisions of this
11 chapter, the state shall assess said district for said excess amount.

12 **16-105-7. School choice tuition. --** The general treasurer is further directed to disburse to
13 the receiving district, from the school choice tuition trust fund established by §16-105-17, an
14 amount equal to each student's school choice tuition; provided, however, that each public school
15 district which admits children under the provisions of this chapter, shall certify to the general
16 treasurer the number of such children attending its public schools, the city or town of residence of
17 each such child, the annual amount of tuition for each such child and the total tuition owed to the
18 district based on full or partial attendance, itemized by the amount attributable to each city or
19 town of residence; and provided further, that such certification shall be made on October 1 of
20 each year and April 1 of each year, commencing on and after July 1, 2016. Each school district
21 submitting a certification to the state treasurer shall also submit a copy of said certification to the
22 department of education. Said department may review said certification to determine that the
23 amount of the individual tuition charged for each child is in accordance with the provisions of this
24 chapter and shall inform the state treasurer of any errors. The department may also, on a post-
25 audit basis, verify the admission and attendance of the number of children certified by each
26 school district.

27 **16-105-8. Parent information system established. --** There shall be a parent
28 information system established, maintained and developed by the department of education to
29 disseminate to parents detailed and comparable information about each school system
30 participating in the school choice program, so-called, which shall include, but not be limited to,
31 information on special programs offered by the school, philosophy of the school, number of
32 spaces available, transportation plans, class sizes, teacher/student ratios, and data and information
33 on school performance that indicate its quality. Said information shall include the school profiles.
34 The department may include information regarding regional choice initiatives as deemed

1 appropriate. The system shall have as its primary goal to ensure that all parents have an equal
2 opportunity to participate in the program of inter-district choice. The department of education,
3 when disseminating this information shall encourage the parent and student to make at least one
4 visit to the school of choice as part of the application procedure.

5 **16-105-9. School choice transportation reimbursement program. --** (a) Subject to
6 appropriation, the department of education shall develop and administer a school choice
7 transportation reimbursement program for the purpose of providing reimbursement for the
8 transportation of pupils enrolled under the provisions of this section. Pupils eligible for said
9 reimbursement must be eligible to receive free or reduced cost lunches under eligibility
10 guidelines promulgated by the federal government under 42 U.S.C. §1758. The department may
11 limit said reimbursement to a yearly amount. The types of transportation to be reimbursed
12 pursuant to said program shall include, but need not to be limited to, the following:

13 (1) Transportation by school buses provided by the sending or receiving district;

14 (2) Transportation provided by the parent or guardian of the child; and

15 (3) Transportation provided by public transportation. All eligible pupils who attend a
16 school district contiguous to the school district of residence of such pupil shall be eligible for said
17 reimbursement.

18 (b) If cost-effective transportation alternatives exist for pupils who attend districts not
19 contiguous to the school districts of residence of such pupil, the department may provide a
20 transportation reimbursement. Said reimbursements may be paid to the district in which the pupil
21 is enrolled, the district of residence of the student, or the parent, guardian or person acting as
22 guardian of the student; provided, however, that said district or parent provide documentation of
23 the transportation expenditure. The department of education shall promulgate rules and
24 regulations for the program. The department of education shall disseminate information to parents
25 and school systems detailing the availability of said transportation reimbursements. A full
26 description of said school choice transportation reimbursement program shall be submitted to the
27 house and senate. Nothing in this section shall confer upon any student attending a private school
28 any right to transportation or reimbursement therefor.

29 **16-105-10. School committees may establish terms for accepting non-resident**
30 **students - Limitations. --** (a) School committees may establish terms for accepting non-resident
31 students; provided, however, that if the number of non-resident students applying for acceptance
32 to said district exceeds the number of non-resident students applying for acceptance to said
33 district exceeds the number of available seats, said school committee shall select students for
34 admission on a random basis; provided, further, that said school committee shall conduct said

1 random selection twice: one time prior to July 1 and one time prior to November 1; provided,
2 further, that no school committee shall discriminate in the admission of any child on the basis of
3 race, color, religious creed, national origin, sex, gender identity, age, sexual orientation, ancestry,
4 athletic performance, physical handicap, special need or academic performance or proficiency in
5 the English language.

6 (b) Any school committee that accepts non-resident students under the provisions of this
7 chapter shall notify each district from which it has accepted a non-resident student of its
8 acceptance of that student; provided, however, that a school committee may not publicly release
9 the names of students leaving or entering a district under the provisions of this section.
10 Notwithstanding the preceding provisions of this section, any sibling of a student already enrolled
11 in the receiving district shall receive priority for admission to said district.

12 **16-105-11. Student permitted to remain in system.** -- Any child accepted to attend a
13 public school in a community other than the one in which he/she resides pursuant to this chapter
14 shall be permitted to remain in that school system until his/her high school graduation, unless
15 there is a lack of funding of the program.

16 **16-105-12. Pupils already in system.** -- Notwithstanding the provisions of this chapter
17 or any general or special law to the contrary, any school district which admitted children on a
18 private tuition basis prior to July 1, 2016, may continue, on that basis, to admit any child who
19 attended its school system prior to that date, as well as any sibling or step-sibling of such child
20 and any foster child residing in the home of such child.

21 **16-105-13. Determination as to certain students already paying tuition.** -- Any
22 student who, pursuant to the provisions of this chapter, has been attending or has been admitted to
23 attend a public school of a city or town in which he/she does not reside and for whom the state
24 has been paying tuition or, in the case of a student recently admitted, would be required to pay
25 tuition in the coming year, shall be deemed to be a student admitted pursuant to and shall be
26 subject to all of the provisions of this chapter; provided, however, that said students shall be
27 allowed to remain in said school notwithstanding any determination of capacity or decision by the
28 receiving district to withdraw made pursuant to this chapter.

29 **16-105-14. Eligibility for school choice reimbursement.** -- Subject to appropriation,
30 any sending district for which the provisions of this chapter result in a reduction in permanent
31 foundation education aid as set forth in chapter 7.2 of title 16 shall be eligible to apply for a
32 school choice reimbursement from the state. The department of education shall promulgate rules
33 and regulations to determine method for calculating such adjustments and reimbursements.

34 **16-105-15. Receipt of funds permitted.** -- The state and the school committee of and

1 municipality may accept funds from the federal government for the purposes of this chapter. Any
2 amounts received by the school committee of any municipality from the federal government,
3 from the state or from a charitable foundation or private institution shall be deposited with the
4 treasurer of such municipality and held as a separate account, and may be expended by said
5 school committee without further appropriation. Whenever such funds are received after the
6 submission of the annual school budget, all or any portion thereof may be expended by the school
7 committee without further appropriation, but shall be accounted for in the next annual school
8 budget.

9 **16-105-16. Students with individual education plans. --** If the student attends the
10 public school of another city, town or regional school district and it is anticipated that the student
11 shall need the services of a private day or residential school, an individual education plan team
12 meeting shall be convened by the school district in which the child is attending school. The
13 school district in which the student attends school shall notify the school district where the
14 student resides of the team meeting at least five (5) school days prior to the meeting. Personnel
15 from the district in which the child resides shall be allowed to participate in the team meeting
16 concerning future placement of the child.

17 **16-105-17. School choice tuition trust fund. --** There shall be established a separate
18 fund, to be known as the school choice tuition trust fund. The general treasurer shall deposit in
19 such fund all school choice tuition amounts deducted from the education aid of sending districts,
20 all amounts deducted from other aid to cities and towns, and any amounts appropriated due to an
21 excess of deductions over such other aid, as such terms and amounts are defined in. Monies in
22 the fund shall be disbursed, without further appropriation, by the treasurer to receiving districts as
23 such district's school choice tuition amounts due such receiving districts, as such terms and
24 amounts are defined in §16-105-1.

25 **16-105-18. Transfer cards to be furnished. --** When any child described in this chapter
26 as attending an inter-district school leaves the school or institution where he/she is being educated
27 because of change of residence to another municipality in the state, the superintendent of schools,
28 in the case of a public school, or otherwise the person in charge, shall furnish such child a transfer
29 card in a form prescribed by the department of education which shall contain, in addition to any
30 other information relative to him/her, his/her name, age, grade in school, and in every case
31 possible, his/her new street and number, and shall forthwith send a duplicate thereof to the
32 superintendent of schools of the municipality where the child is to reside.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

AN ACT RELATING TO EDUCATION - THE INTER-DISTRICT SCHOOL CHOICE
PROGRAM

- 1 This act would implement inter-district school choice programs among public school
- 2 districts in Rhode Island.
- 3 This act would take effect upon passage.

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