

2018 -- H 7145

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

Introduced By: Representatives Fogarty, McEntee, Carson, Ackerman, and Tanzi

Date Introduced: January 12, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled  
2 "Residence of Children for School Purposes" is hereby amended to read as follows:

3 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**  
4 **foster care, group homes, or other residential facility by a Rhode Island state agency.**

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

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

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

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

19 For all fiscal years beginning after June 30, 2016, education aid for each school district  
20 shall include seventeen thousand dollars (\$17,000) for each bed certified by DCYF by the  
21 preceding December 31. Notwithstanding the provisions of this section or any law to the contrary,  
22 the education aid for all group home or other residential facility "beds" located or associated with  
23 the Children's Residential and Family Treatment (CRAFT) program located on the East  
24 Providence campus of Bradley Hospital shall be twenty-six thousand dollars (\$26,000) per bed.  
25 For all fiscal years beginning after June 30, 2008, whenever the number of beds certified by  
26 DCYF for a school district by December 31 is greater than the number certified the prior  
27 December 31 upon which the education aid for that fiscal year was appropriated, the education  
28 aid for that district as enacted by the assembly during the prior legislative session for that fiscal  
29 year will be increased by the number of increased beds multiplied by the amount per bed  
30 authorized for that fiscal year. The Department of Elementary and Secondary Education shall  
31 include the additional aid in equal payments in March, April, May, and June, and the Governor's  
32 budget recommendations pursuant to § 35-3-8 shall include the amounts required to provide the  
33 increased aid.

34 (c) Children placed by DCYF in a residential-treatment program, group home, or other

1 residential facility, whether or not located in the state of Rhode Island, which includes the  
2 delivery of educational services provided by that facility (excluding facilities where students are  
3 taught on grounds for periods of time by teaching staff provided by the school district in which  
4 the facility is located), shall have the cost of their education paid for as provided for in subsection  
5 (d) and § 16-64-1.2. The city or town determined to be responsible to DCYF for a per-pupil  
6 special-education cost pursuant to § 16-64-1.2 shall pay its share of the cost of educational  
7 services to DCYF or to the facility providing educational services.

8 (d) Children placed by DCYF in group homes, child-caring facilities, community  
9 residences, or other residential facilities shall have the entire cost of their education paid for by  
10 DCYF if:

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

13 (2) The facility is state licensed; and

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

16 (e) In addition to the provisions of subsection (b) of this section, the department of  
17 education, in conjunction with the DCYF, shall develop a procedure to ensure that the  
18 municipalities in which group homes or other residential facilities are located are reimbursed for  
19 the educational expenses above the cost allocated in this section. Any procedure established shall  
20 provide at a minimum that the actual education costs associated with a child placed in a group  
21 home or other residential facility is paid by the state through the department of education, the  
22 DCYF, or the municipality where the child is a resident pursuant to §16-64-1.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

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1           This act would require the department of education and the DCYF to develop a procedure  
2 to ensure that the municipalities where group homes or other residential facilities are located are  
3 reimbursed for the educational expenses above the cost allocated.

4           This act would take effect upon passage.

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