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ARTICLE 15

RELATING TO CHILDREN AND FAMILIES

SECTION 1. Sections 16-8-10 and 16-8-10.1 of the General Laws in Chapter 16-8 entitled "Federal Aid [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" are hereby amended to read as follows:

16-8-10. Mandatory school lunch programs.

(a) All public elementary and secondary schools shall be required to make type A lunches available to students attending those schools in accordance with rules and regulations adopted from time to time by the department of elementary and secondary education. To the extent that federal, state, and other funds are available, free and reduced price type A lunches shall be provided to all students from families that meet the current specific criteria established by federal and state regulations. The requirement that type A lunches be provided shall apply to locally managed school lunch programs, and school lunch programs administered directly by the department of elementary and secondary education or by any other public agency whether using school facilities or a commercial catering service. The department of elementary and secondary education is further authorized to expand the school lunch program to the extent that federal, state, and/or local funds are available by the utilization of one or more food preparation centers for delivery to participating schools for the purpose of providing meals to students on a more economical basis than could be provided by a community acting individually.

(b) Beginning in the 2020-2021 school year, and each year thereafter, all public schools that have been eligible for the community eligibility provision under section 104(a) of the federal Healthy, Hunger-Free Kids Act of 2010 for two consecutive years or longer shall be required to implement the provision. Any school subject to the requirement in the preceding sentence may apply to the department of elementary and secondary education ("the department") for a waiver from the requirement. Such waiver may be granted by the department upon the demonstration that adoption of the program would cause economic hardship for the school. All public schools eligible for the community eligibility provision in any year are encouraged to participate even if not required to do so under this paragraph. To facilitate implementation of this program, the department shall:

(1) Notify schools on or before March 1 each year if they are required to adopt the

1 community eligibility provision for the school year that begins after September 1 of that year.

2 (2) Develop and distribute procedures and guidelines for the implementation of the
3 program.

4 **16-8-10.1. Mandatory school breakfast programs.**

5 (a) All public schools shall make a breakfast program available to students attending the
6 school. The breakfast meal shall meet any rules and regulations that are adopted by the
7 commissioner.

8 (b) The state of Rhode Island shall provide school districts a per breakfast subsidy for each
9 breakfast served to students. The general assembly shall annually appropriate some sum and
10 distribute it based on each district's proportion of the number of breakfasts served in the prior school
11 year relative to the statewide total in the same year. This subsidy shall augment the nonprofit school
12 food service account and be used for expenses incurred in providing nutritious breakfast meals to
13 students.

14 (c) Beginning in the 2020-2021 school year, and each year thereafter, all public schools
15 that have an enrollment of seventy percent (70%) or more of students eligible for free or reduced-
16 price meals in the prior school year according to the federal school meals program shall offer a
17 school breakfast program to each student in the school after the instructional day has officially
18 begun. The department of elementary and secondary education (“the department”) shall determine
19 eligible service models, which shall include, but are not limited to, breakfast in the classroom, grab
20 and go breakfast, and second chance breakfast. The breakfast shall be served at a time to be
21 determined by the school so long as it occurs after the beginning of the instructional day. If a public
22 school falls below the seventy percent threshold established in this section, it has the option to
23 continue offering the school breakfast program after the instructional day has officially begun but
24 is not required to do so. Any school subject to the requirement in the first sentence of this paragraph
25 may apply to the department for a waiver from the requirement. Such waiver may be granted upon
26 the demonstration that providing a school breakfast program after the instructional day has begun
27 would cause financial hardship for the school. To facilitate implementation of this program, the
28 department shall:

29 (1) Notify schools on or before March 1 each year if they are required to implement a
30 school breakfast program after the instructional day has begun beginning that fall.

31 (2) Develop and distribute procedures and guidelines for the implementation of the
32 program, which must be in compliance with federal regulations governing the School Breakfast
33 Program.

34 (3) Annually collect information on eligible delivery models implemented at each school

1 [and make the information publicly available.](#)

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

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

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

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

27 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by DCYF for
28 a school district by December 31, 2007, is greater than the number certified March 14, 2007, upon
29 which the education aid for FY 2008 was appropriated, the education aid for that district will be
30 increased by the number of increased beds multiplied by fifteen thousand dollars (\$15,000).
31 Notwithstanding the provisions of this section or any law to the contrary, the education aid for all
32 group home or other residential facility "beds" located or associated with the Children's Residential
33 and Family Treatment (CRAFT) program located on the East Providence campus of Bradley
34 Hospital shall be twenty-two thousand dollars (\$22,000) per bed. The Department of Elementary

1 and Secondary Education shall include the additional aid in equal payments in March, April, May,
2 and June, and the Governor's budget recommendations pursuant to § 35-3-8 shall include the
3 amounts required to provide the increased aid.

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

18 (c) Children placed by DCYF in a residential-treatment program, group home, or other
19 residential facility, [except for those listed in subsection \(d\) of this section](#), whether or not located
20 in the state of Rhode Island, which includes the delivery of educational services provided by that
21 facility (excluding facilities where students are taught on grounds for periods of time by teaching
22 staff provided by the school district in which the facility is located), shall have the cost of their
23 education paid for as provided for in ~~subsection (d) and~~ § 16-64-1.2. The city or town determined
24 to be responsible to DYCF for a per-pupil special-education cost pursuant to § 16-64-1.2 shall pay
25 its share of the cost of educational services to DCYF or to the facility providing educational
26 services.

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

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

32 ~~(2) The facility is state licensed; and~~

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

1 For each child ordered by the family court to be detained or sentenced to the Thomas C.
2 Slater Training School, the city or town determined to be the child's residence under §16-64-1.2
3 shall be responsible for payment of a city's or town's per pupil special education cost to DCYF for
4 the delivery of education services during the youth's incarceration at the Training School.

5 SECTION 3. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled "Residence
6 of Children for School Purposes" is hereby amended to read as follows:

7 **16-64-1.3. Educational responsibility for children in group homes and other**
8 **residential placements.**

9 (a) The city or town in which a foster home, group home, or other residential facility that
10 does not include the delivery of educational services is located shall be responsible for the free
11 appropriate public education of any child residing in those placements, including all procedural
12 safeguards, evaluation, and instruction in accordance with regulations under chapter 24 of this title,
13 for any period during which a child is residing in the city or town. The city or town shall coordinate
14 its efforts with any other city or town to which a child moves when exiting the city or town
15 responsible under this subsection.

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

21 SECTION 4. Sections 23-24.6-14 and 23-24.6-14.1 of the General Laws in Chapter 23-
22 24.6 entitled "Lead Poisoning Prevention Act" is hereby amended to read as follows:

23 **23-24.6-14. Inspection of child care facilities.**

24 (a) The director shall promulgate regulations requiring that as a condition of licensure all
25 ~~preschools, day care facilities, nursery schools,~~ group family child care homes, family child care
26 homes, child care centers, residential facilities, and public and private elementary schools ~~and~~
27 ~~schoolyards, and public playgrounds, and shelters and foster homes~~ serving children under the age
28 of six (6) years in Rhode Island:

- 29 (1) Receive comprehensive environmental lead inspections at specified intervals; and
- 30 (2) Demonstrate that they are either lead free or lead safe.

31 ~~(b) The director, shall, using state inspectors, conduct comprehensive environmental lead~~
32 ~~inspections for all these facilities at the specified intervals.~~

33 **23-24.6-14.1. Inspection of foster homes.**

34 (a) The director shall promulgate regulations requiring that as a condition of licensure

1 [foster homes be subject to, at a minimum, a visual lead inspection to assess whether there are any](#)
2 [potential lead hazards in the home. The department of health shall review the results of all lead](#)
3 [inspections of foster homes and shall ensure that owners receive all information needed to](#)
4 [remediate the lead hazards identified in the inspection.](#)

5 SECTION 5. Sections 40-5.2-8, 40-5.2-10 and 40-5.2-20 of the General Laws in Chapter
6 40-5.2 entitled "The Rhode Island Works Program" are hereby amended to read as follows:

7 **40-5.2-8. Definitions.**

8 (a) As used in this chapter, the following terms having the meanings set forth herein, unless
9 the context in which such terms are used clearly indicates to the contrary:

10 (1) "Applicant" means a person who has filed a written application for assistance for
11 herself/himself and her/his dependent child(ren). An applicant may be a parent or non parent
12 caretaker relative.

13 (2) "Assistance" means cash and any other benefits provided pursuant to this chapter.

14 (3) "Assistance unit" means the assistance filing unit consisting of the group of persons,
15 including the dependent child(ren), living together in a single household who must be included in
16 the application for assistance and in the assistance payment if eligibility is established. An
17 assistance unit may be the same as a family.

18 (4) "Benefits" ~~shall~~ means assistance received pursuant to this chapter.

19 (5) "Community service programs" means structured programs and activities in which ~~cash~~
20 ~~assistance recipients~~ [RI Works participants](#) perform work for the direct benefit of the community
21 under the auspices of public or nonprofit organizations. Community service programs are designed
22 to improve the employability of recipients not otherwise able to obtain paid employment. (6)

23 "Department" means the department of human services.

24 (7) "Dependent child" means an individual, other than an individual with respect to whom
25 foster care maintenance payments are made, who is: (A) under the age of eighteen (18); or (B)
26 under the age of nineteen (19) and a full-time student in a secondary school (or in the equivalent
27 level of vocational or educational training), if before he or she attains age nineteen (19), he or she
28 may reasonably be expected to complete the program of such secondary school (or such training).

29 (8) "Director" means the director of the department of human services.

30 (9) "Earned income" means income in cash or the equivalent received by a person through
31 the receipt of wages, salary, commissions, or profit from activities in which the person is self-
32 employed or as an employee and before any deductions for taxes.

33 (10) "Earned income tax credit" means the credit against federal personal income tax
34 liability under § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32, or any successor section,

1 the advanced payment of the earned income tax credit to an employee under § 3507 of the code, 26
2 U.S.C. § 3507, or any successor section and any refund received as a result of the earned income
3 tax credit, as well as any refundable state earned income tax credit.

4 (11) "Education directly related to employment" means education, in the case of a
5 participant who has not received a high school diploma or a certificate of high school equivalency,
6 related to a specific occupation, job, or job offer.

7 (12) "Family" means: (A) a pregnant woman from and including the seventh month of her
8 pregnancy; or (B) a child and the following eligible persons living in the same household as the
9 child: (C) each biological, adoptive or stepparent of the child, or in the absence of a parent, any
10 adult relative who is responsible, in fact, for the care of such child; and (D) the child's minor siblings
11 (whether of the whole or half blood); provided, however, that the term "family" shall not include
12 any person receiving benefits under title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.
13 A family may be the same as the assistance unit.

14 (13) "Gross earnings" means earnings from employment and self-employment further
15 described in the department of human services rules and regulations.

16 (14) "Individual employment plan" means a written, individualized plan for employment
17 developed jointly by the applicant and the department of human services that specifies the steps the
18 participant shall take toward long-term economic independence developed in accordance with
19 subsection 40-5.2-10(e). ~~A participant must comply with the terms of the individual employment
20 plan as a condition of eligibility in accordance with subsection 40-5.2-10(e) of this chapter.~~

21 (15) "Job search and job readiness" means the mandatory act of seeking or obtaining
22 employment by the participant, or the preparation to seek or obtain employment.

23 ~~In accord with federal requirements, job search activities must be supervised by the
24 department of labor and training and must be reported to the department of human services~~ in
25 accordance with TANF work verification requirements.

26 Except in the context of rehabilitation employment plans, and special services provided by
27 the department of children, youth and families, job search and job readiness activities are limited
28 to four (4) consecutive weeks, or for a total of six (6) weeks in a twelve (12) month period, with
29 limited exceptions as defined by the department. The department of human services in consultation
30 with the department of labor and training shall extend job search, and job readiness assistance for
31 up to twelve (12) weeks in a fiscal year if a state has an unemployment rate at least fifty percent
32 (50%) greater than the United States unemployment rate if the state meets the definition of a "needy
33 state" under the contingency fund provisions of federal law.

34 ~~Preparation to seek employment, or job readiness, may include, but may not be limited to,~~

1 ~~the participant obtaining life skills training, homelessness services, domestic violence services,~~
2 ~~special services for families provided by the department of children youth and families, substance~~
3 ~~abuse treatment, mental health treatment, or rehabilitation activities as appropriate for those who~~
4 ~~are otherwise employable. Such services, treatment or therapy must be determined to be necessary~~
5 ~~and certified by a qualified medical or mental health professional. Intensive work readiness services~~
6 ~~may include work based literacy, numeracy, hands on training, work experience and case~~
7 ~~management services. Nothing in this section shall be interpreted to mean that the department of~~
8 ~~labor and training shall be the sole provider of job readiness activities described herein.~~

9 (16) "Job skills training directly related to employment" means training or education for
10 job skills required by an employer to provide an individual with the ability to obtain employment
11 or to advance or adapt to the changing demands of the workplace. Job skills training directly related
12 to employment must be supervised on an ongoing basis.

13 (17) "Net income" means the total gross income of the assistance unit less allowable
14 disregards and deductions as described in subsection 40-5.2-10(g).

15 (18) "Minor parent" means a parent under the age of eighteen (18). A minor parent may, at
16 the discretion of the department, ~~be an applicant or recipient with his or her dependent child(ren)~~
17 ~~in his/her own case or a member of an assistance unit with his or her dependent child(ren) in a case~~
18 ~~established by the minor parent's parent~~ apply as a separate assistance unit in certain circumstances
19 if he or she is otherwise unable to be included, along with his or her child, as part of the assistance
20 unit of a parent or caretaker relative in accordance with § 40-5.2-10(k).

21 (19) "On-the-job-training" means training in the public or private sector that is given to a
22 paid employee ~~while he or she is~~ engaged in productive work ~~and~~ That provides knowledge and
23 skills essential to the full and adequate performance of the job. ~~On the job training must be~~
24 ~~supervised by~~ under the supervision of an employer, work site sponsor, or other designee of the
25 department of human services on an ongoing basis.

26 (20) "Participant" means a person who has been found eligible for assistance in accordance
27 with this chapter ~~and who must comply with all requirements of this chapter, and has entered into~~
28 ~~an individual employment plan.~~ A participant may be a parent or non-parent caretaker relative
29 included in the ~~cash assistance payment~~ assistance unit.

30 (21) "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" or
31 "PRWORA," means the federal law enacted in 1996, as amended, that established TANF and sets
32 forth the eligibility requirements governing access to federal means-tested benefits applicable to
33 non-citizens residing in the United States.

34 (22) "Recipient" means a "participant" ~~person who has been found~~ eligible ~~and receives~~

1 ~~cash assistance~~ for assistance through RI Works in accordance with this chapter.

2 ~~(22)~~(23) "Relative" means a parent, stepparent, grandparent, great grandparent, great-great
3 grandparent, aunt, great aunt, great-great aunt, uncle, great-uncle, great-great uncle, sister, brother,
4 stepbrother, stepsister, half-brother, half-sister, first cousin, first cousin once removed, niece, great
5 niece, great-great niece, nephew, great nephew, or great-great nephew.

6 ~~(23)~~(24) "Resident" means a person who maintains residence by his or her continuous
7 physical presence in the state.

8 (25) "RI Works lifetime limit" means the total number of months an adult applicant or
9 beneficiary is eligible to receive cash assistance provided through RI Works and/or any other state
10 or territorial program operating under the auspices of the TANF block grant. The RI Works lifetime
11 limit is forty-eight (48) months and is calculated in accordance with §40-5.2-10(h). Children in a
12 family or assistance unit are not subject to the RI Works life-time limit.

13 (26) "Self-employment income" means the total profit from a business enterprise, farming,
14 etc., resulting from a comparison of the gross receipts with the business expenses, i.e., expenses
15 directly related to producing the goods or services and without which the goods or services could
16 not be produced. However, items such as depreciation, personal business and entertainment
17 expenses, and personal transportation are not considered business expenses for the purposes of
18 determining eligibility for cash assistance in accordance with this chapter.

19 ~~(25)~~(27) "State" means the State of Rhode Island and Providence Plantations.

20 ~~(26)~~ (28) "Subsidized employment" means public or private employment ~~in the private or~~
21 ~~public sectors~~ for which the employer receives a government subsidy from TANF or ~~other public~~
22 ~~funds~~ another public program to offset some or all of the wages and costs of employing an recipient
23 RI Works participant. ~~It includes work in which all or a portion of the wages paid to the recipient~~
24 ~~are provided to~~ The subsidy is paid to the employer either as a reimbursement for the extra costs of
25 training or as an incentive to hire the recipient, including, but not limited to, grant diversion

26 ~~(27)~~ (29) "Subsidized housing" means housing for a family whose rent is restricted to a
27 percentage of its income.

28 (30) "Supplemental Nutrition Assistance Program or "SNAP" means the federally funded
29 program, formerly known as Food Stamps, authorized under the "Food and Nutrition Act of 2008",
30 7 U.S.C. § 2011 et. seq., and administered by the State, that provides food-purchasing assistance to
31 low and no-income individuals and families who meet certain eligibility requirements.

32 (31) Temporary Assistance of Needy Families or "TANF" is the federal block grant
33 program [Title IV-A of the U.S. Social Security Act 42 U.S.C. § 601 et seq.] authorized by the
34 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. States

1 [receive TANF block grant funds to operate their own cash assistance programs for low-income](#)
2 [families within the parameters established in federal law and regulations. RI Works is Rhode](#)
3 [Island's TANF program.](#)

4 ~~(28)~~ (32) "Unsubsidized employment" means full or part-time employment in the public or
5 private sector that is not subsidized by TANF or any other public program.

6 ~~(29)~~ (33) "Vocational educational training" means organized educational programs, not to
7 exceed twelve (12) months with respect to any participant, that are directly related to the preparation
8 of participants for employment in current or emerging occupations. Vocational educational training
9 must be supervised.

10 ~~(30)~~ (34) "Work experience" means a work activity that provides a participant with an
11 opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain
12 employment. The purpose of work experience is to improve the employability of those who cannot
13 find unsubsidized employment. An employer, work site sponsor, and/or other appropriate designee
14 of the department must supervise this activity.

15 ~~(31)~~ (35) "Work supplementation" also known as "grant diversion" means the use of all or
16 a portion of a participant's cash assistance grant and ~~food stamp grant~~ SNAP as a wage supplement
17 to an employer. Such a supplement shall be limited to a maximum period of twelve (12) months.
18 An employer must agree to continue the employment of the participant as part of the regular work
19 force, beyond the supplement period, if the participant demonstrates satisfactory performance.

20 ~~(32)~~ (36) "Work activities" mean the specific work requirements which must be defined in
21 the individual employment plan and must be complied with by the participant as a condition of
22 eligibility for the receipt of cash assistance for single and two (2) family households outlined in §
23 40-5.2-12 of this chapter.

24 **40-5.2-10. Necessary requirements and conditions.**

25 [An applicant for RI Works must meet](#) ~~The the~~ following requirements and conditions ~~shall~~
26 ~~be necessary to establish~~ [to be eligible for the RI Works](#) ~~eligibility for the~~ program.

27 (a) Citizenship, alienage and residency requirements.

28 (1) A person shall be a resident of the State of Rhode Island.

29 (2) Effective ~~[July 1, 2019, October 1, 2008]~~, a person [seeking eligibility for assistance](#)
30 [under this section](#) ~~to must be a~~ United States citizens, ~~or shall~~ [or a qualified non-citizen who](#) meets
31 the [applicable](#) requirements established in § 402(b) ~~of the Personal Responsibility and Work~~
32 ~~Opportunity Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section~~
33 may ~~be hereafter be~~ amended [from time to time](#), ~~[8 U.S.C. § 1612]~~ pertaining to non-citizen and
34 alien eligibility for federal benefits provided through the TANF program; ~~a person who is not a~~

1 ~~United States citizen and does not meet the alienage requirements established in PRWORA, as~~
2 ~~amended, is not eligible for cash assistance in accordance with this chapter.~~

3 (b) The family/assistance unit must meet any other requirements established by the
4 department of human services by rules and regulations adopted pursuant to the Administrative
5 Procedures Act, ~~as~~ necessary to promote the purpose and goals of this chapter.

6 (c) Receipt of cash assistance is conditional upon compliance with all program
7 requirements.

8 (d) All individuals domiciled in this state shall be exempt from the application of
9 subdivision 115(d)(1)(A) of ~~Public Law 104-193, the Personal Responsibility and Work~~
10 ~~Opportunity Reconciliation Act of 1996,~~ PRWORA [~~21 U.S.C. § 862a~~], which makes any
11 individual ineligible for certain state and federal assistance if that individual has been convicted
12 under federal or state law of any offense which is classified as a felony by the law of the jurisdiction
13 and which has as an element the possession, use, or distribution of a controlled substance as defined
14 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

15 (e) Individual employment plan as a condition of eligibility.

16 (1) Following receipt of an application, the department of human services shall assess the
17 financial conditions of the family, including the non-parent caretaker relative who is applying for
18 cash assistance for himself or herself as well as for the minor child(ren), in the context of an
19 eligibility determination. If a parent or non parent caretaker relative is unemployed or under-
20 employed, the department shall conduct an initial assessment, taking into account: (A) the physical
21 capacity, skills, education, work experience, health, safety, family responsibilities and place of
22 residence of the individual; ~~and~~ (B) the child care and supportive services required by the applicant
23 to avail himself or herself of employment opportunities and/or work readiness programs; ~~and (C)~~
24 preparation to seek employment, or job readiness, including but not limited to, the need for
25 obtaining life skills training, homelessness services, domestic violence services, special services
26 for families provided by the department of children youth and families, substance abuse treatment,
27 mental health treatment, or rehabilitation activities as appropriate for those who are otherwise
28 employable. Such services, treatment or therapy must be determined to be necessary and certified
29 by a qualified medical or mental health professional. Intensive work readiness services may include
30 work-based literacy, numeracy, hands-on training, work experience and case management services.

31 (2) On the basis of such assessment, the department of human services and the department
32 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
33 employment plan for the family which requires the individual to participate in the intensive
34 employment services. Intensive employment services shall be defined as the work requirement

1 activities in subsections 40-5.2-12(g) and (i).

2 (3) The director, or his/her designee, may assign a case manager to an applicant/participant,
3 as appropriate.

4 (4) The department of labor and training and the department of human services in
5 conjunction with the participant shall develop a revised individual employment plan which shall
6 identify employment objectives, taking into consideration factors above, and shall include a
7 strategy for immediate employment and for preparing for, finding, and retaining employment
8 consistent, to the extent practicable, with the individual's career objectives. ~~Preparation to seek
9 employment, or job readiness, may include, but may not be limited to, the participant obtaining life
10 skills training, homelessness services, domestic violence services, special services for families
11 provided by the department of children youth and families, substance abuse treatment, mental
12 health treatment, or rehabilitation activities as appropriate for those who are otherwise employable.
13 Such services, treatment or therapy must be determined to be necessary and certified by a qualified
14 medical or mental health professional. Intensive work readiness services may include work based
15 literacy, numeracy, hands on training, work experience and case management services. Nothing in
16 this section shall be interpreted to mean that the department of labor and training shall be the sole
17 provider of job readiness activities described herein~~

18 (5) The individual employment plan must include the provision for the participant to
19 engage in work requirements as outlined in § 40-5.2-12 of this chapter.

20 (6)(A) The participant shall attend and participate immediately in intensive assessment and
21 employment services as the first step in the individual employment plan, unless temporarily exempt
22 from this requirement in accordance with this chapter. Intensive assessment and employment
23 services shall be defined as the work requirement activities in subsections 40-5.2-12(g) and (i).

24 (B) Parents under age twenty (20) without a high school diploma or General Equivalency
25 Diploma (GED) shall be referred to special teen parent programs which will provide intensive
26 services designed to assist teen parent to complete high school education or GED, and to continue
27 approved work plan activities in accord with Works program requirements.

28 (7) ~~The applicant shall become a participant in accordance with this chapter at the time the
29 individual employment plan is signed and entered into. An applicant is not considered an RI Works
30 participant until the individual employment plan is completed and signed. Such a signature
31 indicates that the applicant agrees~~ (8) ~~Applicants and participants of the Rhode Island Work
32 Program shall agree~~ to comply with the terms of the individual employment plan and shall
33 cooperate fully with the steps established in the individual employment plan, including the work
34 requirements. (8) Applicants and participants of the Rhode Island Work Program shall agree to

1 comply with the terms of the individual employment plan, and shall cooperate fully with the steps
2 established in the individual employment plan, including the work requirements.

3 ~~(9)~~ (8) The department of human services ~~has the authority under the chapter to~~ requires,
4 as a condition of eligibility, that ~~attendance by the applicant/participant, either at the department of~~
5 ~~human services or at the department of labor and training,~~ applicants and participants attend
6 appointments deemed necessary for the purpose of ~~having the applicant enter into and become~~
7 ~~eligible for~~ obtaining or retaining assistance through the ~~Rhode Island~~ RI Works ~~P~~ program. Said
8 appointments include, but are not limited to, the initial interview, orientation and assessment; job
9 readiness and job search. Attendance is required as a condition of eligibility for cash assistance in
10 accordance with rules and regulations established by the department.

11 ~~(10) As a condition of eligibility for assistance pursuant to this chapter, the~~
12 ~~applicant/participant shall be obligated to keep appointments, attend orientation meetings at the~~
13 ~~department of human services and/or the Rhode Island department of labor and training, participate~~
14 ~~in any initial assessments or appraisals and comply with all the terms of the individual employment~~
15 ~~plan in accordance with department of human service rules and regulations.~~

16 ~~(11)~~ (10) A participant, including a parent or non-parent caretaker relative included in the
17 cash assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause
18 as defined in this chapter or the department's rules and regulations.

19 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
20 subsection 40-5.2-12(1), while receiving cash assistance ~~in accordance with this chapter,~~ shall be
21 sanctioned in accordance with rules and regulations promulgated by the department.

22 (f) Resources.

23 (1) The combined value of the family or assistance unit's available countable resources,
24 ~~shall be less than the allowable resource limit established by the department in accordance with this~~
25 ~~chapter.~~

26 ~~(2) No family or assistance unit shall be eligible for assistance payments if the combined~~
27 ~~value of its available resources~~ once reduced by any obligations or debts, ~~shall not with respect to~~
28 ~~such resources)~~ must not exceeds one thousand dollars (\$1,000).

29 ~~(3)~~ (2) For purposes of this subsection, the following shall not be counted as resources of
30 the family/assistance unit in the determination of eligibility for the ~~works~~ RI Works program:

31 (A) The home owned and occupied by a child, parent, relative or other individual;

32 (B) Real property owned by a husband and wife as tenants by the entirety, if the property
33 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
34 the property;

1 (C) Real property other than any as identified in § 40-5.2-10(f)(2)(A) and (B) of which the
2 family is making a good faith effort through a sale or other means to dispose ~~of, however, any cash~~
3 ~~assistance payable to the family for any such period shall be conditioned upon such disposal of the~~
4 ~~real property within~~ for the period of up to six (6) months ~~s—of from~~ the date of application, ~~and~~
5 ~~any~~ Eligibility during this period is contingent upon the disposal of the property. Any payments of
6 assistance for that period shall (at the time of disposal) be considered overpayments once the family
7 no longer owns the real property unless ~~to the extent that they would not have occurred at the~~
8 ~~beginning of the period for which the payments were made~~ the family would have been eligible
9 for assistance at the start of the payment period even if the property had not been disposed. All
10 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

11 (D) Income producing property other than real estate including, but not limited to,
12 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
13 services which the department determines are necessary for the family to earn a living;

14 (E) One vehicle for each adult household member, but not to exceed two (2) vehicles per
15 household, and in addition, a vehicle used primarily for income producing purposes such as, but
16 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle which
17 annually produces income consistent with its fair market value, even if only used on a seasonal
18 basis; a vehicle necessary to transport a family member with a disability where the vehicle is
19 specially equipped to meet the specific needs of the person with a disability or if the vehicle is a
20 special type of vehicle that makes it possible to transport the person with a disability;

21 (F) Household furnishings and appliances, clothing, personal effects and keepsakes of
22 limited value;

23 (G) Burial plots (one for each child, relative, and other individual in the assistance unit),
24 and funeral arrangements;

25 (H) For the month of receipt and the following month, any refund of federal income taxes
26 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
27 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
28 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned
29 income credit);

30 (I) The resources of any family member receiving supplementary security income (SSI)
31 assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381.

32 (g) Income.

33 (1) Except as otherwise provided for herein, ~~in determining eligibility for and the amount~~
34 ~~of cash assistance to which a family is entitled under this chapter,~~ the income of a family includes

1 all of the money, goods, and services received or actually available to any member of the family.

2 (2) In determining the eligibility for and the amount of cash assistance to which a
3 family/assistance unit is entitled under this chapter, income in any month shall not include the first
4 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
5 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

6 (3) The income of a family shall not include:

7 (A) The first fifty dollars (\$50.00) in child support received in any month from each non-
8 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
9 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
10 which are paid in any month by a non-custodial parent of a child;

11 (B) Earned income of any child;

12 (C) ~~Income SSI~~ received by a family member ~~who is receiving supplemental security~~
13 ~~income (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq;~~

14 (D) The value of assistance provided by state or federal government or private agencies to
15 meet nutritional needs, including the value ~~of~~ USDA donated foods; ~~value of~~ supplemental food
16 assistance received under the Child Nutrition Act of 1966, as amended and the special food service
17 program for children under Title VII; ~~;~~ nutrition program for the elderly, of the Older Americans
18 Act of 1965 as amended, and ~~the value of food stamps~~ SNAP benefits;

19 (E) Value of certain assistance provided to undergraduate students, including any grant or
20 loan for an undergraduate student for educational purposes made or insured under any loan program
21 administered by the U.S. ~~Commissioner~~ Department of Education (or the Rhode Island council on
22 postsecondary education or the Rhode Island division of higher education assistance); and the value
23 of any withdrawals from a 529 or similar educational savings account recognized by federal and
24 state law when the withdrawals are used for qualified education expenses of a family member;

25 (F) Foster Care Payments;

26 (G) Home energy assistance funded by state or federal government or by a nonprofit
27 organization;

28 (H) Payments for supportive services or reimbursement of out-of-pocket expenses made to
29 foster grandparents, senior health aides or senior companions and to persons serving in SCORE
30 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
31 of 1973, 42 U.S.C. § 5000 et seq.;

32 (I) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
33 and regulations;

34 (J) Certain payments to native Americans; payments distributed per capita to, or held in

1 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
2 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
3 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
4 1975;

5 (K) Refund from the federal and state earned income tax credit;

6 (L) The value of any state, local, or federal government rent or housing subsidy, provided
7 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
8 section of this chapter.

9 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
10 accordance with rules and regulations promulgated by the department.

11 (h) Time limit on the receipt of cash assistance.

12 (1) On and after January 1, 2020, the RI Works lifetime limit for adults is forty-eight (48)
13 months. No cash assistance shall be provided, pursuant to this chapter, to a family or assistance
14 unit which includes an adult member who has received cash assistance in excess of this time limit
15 without regard to whether cash assistance was received by the adult member, either for him/herself
16 or on behalf of his/her children, for a total of twenty-four (24) months, (whether or not consecutive)
17 within any sixty (60) continuous months after July 1, 2008 to include any time receiving any type
18 of cash assistance in this State or any other state or territory of the United States of America as
19 defined herein. Provided further, in no circumstances other than provided for in section (3) below
20 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
21 a family or assistance unit which includes an adult member who has received cash assistance for a
22 total of a lifetime limit of forty-eight (48) months.

23 (2) ~~Cash benefits~~ RI Works cash assistance received by a minor dependent child shall not
24 be counted toward ~~their~~ his or her lifetime time limit for receiving benefits under ~~this chapter should~~
25 ~~that minor child apply~~ this chapter or a successor TANF-cash assistance program administered by
26 the State when applying for eligibility for cash benefits as an adult. (3) ~~Certain minor children not~~
27 ~~subject to time limit. This section regarding the lifetime time limit for the receipt of cash assistance,~~
28 ~~shall not apply only in the instances of a minor child(ren) living with a parent who receives SSI~~
29 ~~benefits and a minor child(ren) living with a responsible adult non-parent caretaker relative who is~~
30 ~~not in the case assistance payment.~~ The lifetime time limit under this section does not apply to
31 minor dependent children who are living with either a parent who is receiving SSI or a responsible
32 adult non-parent caretaker relative who is not receiving RI Works cash assistance.

33 (4) ~~Receipt of family cash assistance in any other state or territory of the United States of~~
34 ~~America shall be determined by the~~ The department of human services ~~and~~ shall determine whether

1 ~~any months of receiving~~ include family cash assistance funded in whole or in part by ~~Temporary~~
2 ~~Assistance for Needy Families (TANF) funds [Title IV A of the Federal Social Security Act 42~~
3 ~~U.S.C. § 601 et seq.] TANF and/or family cash assistance provided under~~ a program similar to the
4 ~~Rhode Island Families Work and Opportunity Program or the federal TANF program~~ RI Works
5 program administered in another state or territory shall count toward the lifetime time limit of an
6 adult applying for or receiving cash assistance under this chapter.

7 (5)(A) The department of human service shall mail a notice to each assistance unit ~~when~~
8 ~~the assistance unit has~~ every month beginning when there are six (6) months of cash assistance
9 remaining in the lifetime time limit. ~~and each month thereafter until the time limit has expired.~~ The
10 notice must ~~be developed by the department of human services and must~~ contain information about
11 the lifetime time limit, the number of months the participant has remaining, the hardship extension
12 policy, the availability of a post-employment-and-closure bonus, and any other information
13 pertinent to a family or an assistance unit nearing ~~either the twenty-four (24) month or~~ the end of
14 the forty-eight (48) month lifetime time limit.

15 (B) For applicants who have less than six (6) months remaining in ~~either the twenty-four~~
16 ~~(24) month or the~~ forty-eight (48) month lifetime time limit because the family or assistance unit
17 previously received cash assistance in Rhode Island or in another state, the department shall notify
18 the applicant of the number of months remaining when the application is approved and begin the
19 notice process required in paragraph (A) above.

20 (6) ~~If a cash assistance recipient family closed pursuant to Rhode Island's Temporary~~
21 ~~Assistance for Needy Families Program, (federal TANF described in Title IV A of the Federal~~
22 ~~Social Security Act, 42 U.S.C. § 601 et seq.) formerly entitled the Rhode Island Family~~
23 ~~Independence Program, more specifically under subdivision 40-5.1-9(2)(c), due to sanction~~
24 ~~because of failure to comply with the cash assistance program requirements; and that recipients~~
25 ~~family received forty-eight (48) months of cash benefits in accordance with the Family~~
26 ~~Independence Program, than that recipient family is not able to receive further cash assistance for~~
27 ~~his/her family, under this chapter, except under hardship exceptions.~~

28 (7) ~~The months of state~~ All months of State or federally funded cash assistance received
29 ~~by a recipient family~~ since May 1, 1997 ~~under Rhode Island's Temporary Assistance for Needy~~
30 ~~Families Program, (federal TANF described in Title IV A of the Federal Social Security Act, 42~~
31 ~~U.S.C. § 601 et seq.) formerly entitled the Rhode Island Family Independence Program,~~ through
32 RI Works and any of its predecessors, such as the Rhode Island Family Independence Program,
33 shall be countable toward the time limited cash assistance ~~described in this chapter~~ unless exempt
34 due to hardship exceptions.

1 (i) Time limit on the receipt of cash assistance.

2 (1)(A) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
3 unit in which an adult member has received cash assistance for a total of ~~sixty (60) months~~ forty-
4 eight (48) months (whether or not consecutive) to include any time receiving any type of cash
5 assistance in any other state or territory of the United States ~~since as defined herein effective August~~
6 ~~1, 2008~~ May 1, 1997. ~~Provided further, that no cash assistance shall be provided to a family in which~~
7 ~~an adult member has received assistance for twenty four (24) consecutive months unless the adult~~
8 ~~member has a rehabilitation employment plan as provided in subsection 40-5.2-12(g)(5).~~

9 (B) ~~Effective August 1, 2008~~ Furthermore, no cash assistance shall be provided pursuant
10 to this chapter to a family in which a child has received cash assistance for a total of ~~sixty (60)~~
11 ~~months~~ forty-eight (48) months (whether or not consecutive) if the parent is a non-citizen ineligible
12 for assistance under this chapter pursuant to ~~subdivision §~~40-5.2-10 (a) (2) to include any time for
13 which the parent receives ~~and~~ any type of cash assistance in any other state or territory of the United
14 States as defined herein.

15 (j) Hardship Exceptions.

16 (1) The department may extend an assistance unit's or family's cash assistance beyond the
17 lifetime time limit, by reason of hardship; ~~provided, however, that the~~ The number of ~~such~~ families
18 ~~to be exempted by the department with respect to their time limit under this subsection~~ granted
19 hardship exemptions under this subsection shall not exceed twenty percent (20%) of the average
20 monthly number of families ~~to which assistance is provided for~~ receiving cash assistance under this
21 chapter in a fiscal year; ~~provided, however, that to the extent now or hereafter permitted by federal~~
22 ~~law, excluding any families~~ any waiver granted a waiver from the time limits established under
23 herein under the authority of § 40-5.2-35, for domestic violence reason, ~~shall not be counted in~~
24 ~~determining the twenty percent (20%) maximum under this section.~~

25 (2) Parents who receive extensions to the time limit due to hardship must have and comply
26 with employment plans designed to remove or ameliorate the conditions that warranted the
27 extension.

28 (k) Parents under eighteen (18) years of age.

29 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
30 never been married, and who has a child; or a family which consists of a woman under the age of
31 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
32 such family resides in the home of an adult parent, legal guardian or other adult relative. Such
33 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
34 the individual and child unless otherwise authorized by the department.

1 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
2 legal guardian or other adult relative who is living and/or ~~whose~~ if the whereabouts of such an adult
3 ~~are~~ is unknown; or the department determines that the physical or emotional health or safety of the
4 minor parent, or his or her child, or the pregnant minor, would be jeopardized if he or she was
5 required to live in the same residence as his or her parent, legal guardian or other adult relative
6 (refusal of a parent, legal guardian or other adult relative to allow the minor parent or his or her
7 child, or a pregnant minor, to live in his or her home shall constitute a presumption that the health
8 or safety would be so jeopardized); or the minor parent or pregnant minor has lived apart from his
9 or her own parent or legal guardian for a period of at least one year before either the birth of any
10 child to a minor parent or the onset of the pregnant minor's pregnancy; or there is good cause, under
11 departmental regulations, for waiving the subsection; and the individual resides in supervised
12 supportive living arrangement to the extent available.

13 (3) For purposes of this section "supervised supportive living arrangement" means an
14 arrangement which requires minor parents to enroll and make satisfactory progress in a program
15 leading to a high school diploma or a general education development certificate, and requires minor
16 parents to participate in the adolescent parenting program designated by the department, to the
17 extent the program is available; and provides rules and regulations which ensure regular adult
18 supervision.

19 (1) Assignment and Cooperation. As a condition of eligibility for cash ~~and medical~~
20 assistance under this chapter, each adult member, parent or caretaker relative of the
21 family/assistance unit must:

22 (1) Assign to the state any rights to support for children within the family from any person
23 which the family member has at the time the assignment is executed or may have while receiving
24 assistance under this chapter;

25 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
26 and/or enforcing child support and medical support orders for all children in the family or assistance
27 unit in accordance with Title 15 of the general laws, as amended, unless the parent or caretaker
28 relative is found to have good cause for refusing to comply with the requirements of this subsection.

29 (3) Absent good cause, as defined by the department of human services through the rule
30 making process, for refusing to comply with the requirements of (1) and (2) above, cash assistance
31 to the family shall be reduced by twenty-five percent (25%) until the adult member of the family
32 who has refused to comply with the requirements of this subsection consents to and cooperates with
33 the state in accordance with the requirements of this subsection.

34 (4) As a condition of eligibility for cash ~~and medical~~ assistance under this chapter, each

1 adult member, parent or caretaker relative of the family/assistance unit must consent to and
2 cooperate with the state in identifying and providing information to assist the state in pursuing any
3 third-party who may be liable to pay for care and services under Title XIX of the Social Security
4 Act, 42 U.S.C. § 1396 et seq.

5 **40-5.2-20. Child-care assistance.**

6 Families or assistance units eligible for child-care assistance.

7 (a) The department shall provide appropriate child care ~~to~~ for every ~~participant~~ child who
8 is eligible for cash assistance ~~and who requires child care in order~~ to assure the parents, relative
9 caretakers, or other legally responsible adults whom they are living with are able to either obtain
10 or maintain employment or, if participating in RI Works, meet the work requirements of their
11 individual employment plans in accordance with this chapter

12 (b) Low-income child care. The department shall provide child care to all other working
13 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
14 if, and to the extent, such other families require child care in order to work at paid employment as
15 defined in the department's rules and regulations. Beginning ~~October 1, 2013~~ July 1, 2019, the
16 department shall also provide child care to families with incomes below one hundred eighty percent
17 (180%) of the federal poverty level if, and to the extent, such families require child care to pursue
18 an educational degree or vocational, technical, or professional certification directly related to
19 employment in an appropriately accredited post-secondary educational institution either on a full-
20 time basis, or in combination with employment activities approved by the department, or participate
21 on a short-term basis, as defined in the department's rules and regulations, in training,
22 apprenticeship, internship, on-the-job training, work experience, work immersion, or other job-
23 readiness/job-attachment program sponsored or funded by the human resource investment council
24 (governor's workforce board), or state agencies that are part of the coordinated program system
25 pursuant to § 42-102-11-~~→~~ .

26 (c) No family/assistance unit shall be eligible for child-care assistance under this chapter if
27 the combined value of its liquid resources exceeds ~~ten thousand dollars (\$10,000)~~ one million
28 dollars (\$1,000,000), which corresponds to the amount permitted by the federal government under
29 the state plan and set forth in the administrative rule-making process by the department. Liquid
30 resources are defined as any interest(s) in property in the form of cash or other financial instruments
31 or accounts that are readily convertible to cash or cash equivalents. These include, but are not
32 limited to: cash, bank, credit union, or other financial institution savings, checking, and money
33 market accounts; certificates of deposit or other time deposits; stocks; bonds; mutual funds; and
34 other similar financial instruments or accounts. These do not include educational savings accounts,

1 plans, or programs; retirement accounts, plans, or programs; or accounts held jointly with another
2 adult, not including a spouse. The department is authorized to promulgate rules and regulations to
3 determine the ownership and source of the funds in the joint account.

4 (d) As a condition of eligibility for child-care assistance under this chapter, the parent or
5 caretaker relative of the family must consent to, and must cooperate with, the department in
6 establishing paternity, and in establishing and/or enforcing child support and medical support
7 orders for ~~all~~ any children in the family receiving appropriate child care under this section ~~in the~~
8 ~~family~~ in accordance with the applicable sections of Title 15 of the State's general laws, as
9 amended, unless the parent or caretaker relative is found to have good cause for refusing to comply
10 with the requirements of this subsection.

11 (e) For purposes of this section, "appropriate child care" means child care, including infant,
12 toddler, pre-school, nursery school, school-age, that is provided by a person or organization
13 qualified, approved, and authorized to provide such care by ~~the department of children, youth and~~
14 ~~families, or by the department of elementary and secondary education, or such other lawful~~
15 ~~providers as determined by the department of human services, in cooperation with the department~~
16 ~~of children, youth and families and the department of elementary and secondary education~~ the State
17 agency or agencies designated to make such determinations in accordance with the provisions set
18 forth herein.

19 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
20 poverty level guidelines shall be provided with free child care. Families with incomes greater than
21 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable
22 federal poverty guideline shall be required to pay for some portion of the child care they receive,
23 according to a sliding-fee scale adopted by the department in the department's rules.

24 (2) Families who are receiving child-care assistance and who become ineligible for child-
25 care assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the
26 applicable federal poverty guidelines shall continue to be eligible for child-care assistance until
27 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
28 guidelines. To be eligible, such families must continue to pay for some portion of the child care
29 they receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance
30 with all other eligibility standards.

31 (g) In determining the type of child care to be provided to a family, the department shall
32 take into account the cost of available child-care options; the suitability of the type of care available
33 for the child; and the parent's preference as to the type of child care.

34 (h) For purposes of this section, "income" for families receiving cash assistance under §

1 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
2 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and
3 unearned income as determined by departmental regulations.

4 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
5 the expenditures for child care in accordance with the provisions of § 35-17-1.

6 (j) In determining eligibility for child-care assistance for children of members of reserve
7 components called to active duty during a time of conflict, the department shall freeze the family
8 composition and the family income of the reserve component member as it was in the month prior
9 to the month of leaving for active duty. This shall continue until the individual is officially
10 discharged from active duty.

11 SECTION 6. Section 40-6.2-1.1 of the General Laws in Chapter 40-6.2 entitled "Child
12 Care - State Subsidies" is hereby amended to read as follows:

13 **40-6.2-1.1. Rates established.**

14 (a) Through June 30, 2015, subject to the payment limitations in subsection (c), the
15 maximum reimbursement rates to be paid by the departments of human services and children, youth
16 and families for licensed childcare centers and licensed family-childcare providers shall be based
17 on the following schedule of the 75th percentile of the 2002 weekly market rates adjusted for the
18 average of the 75th percentile of the 2002 and the 2004 weekly market rates:

19 LICENSED CHILDCARE CENTERS	75th PERCENTILE OF WEEKLY
20	MARKET RATE
21 INFANT	\$182.00
22 PRESCHOOL	\$150.00
23 SCHOOL-AGE	\$135.00
24 LICENSED FAMILY CHILDCARE	75th PERCENTILE OF WEEKLY
25 PROVIDERS	MARKET RATE
26 INFANT	\$150.00
27 PRESCHOOL	\$150.00
28 SCHOOL-AGE	\$135.00

29 Effective July 1, 2015, subject to the payment limitations in subsection (c), the maximum
30 reimbursement rates to be paid by the departments of human services and children, youth and
31 families for licensed childcare centers and licensed family-childcare providers shall be based on
32 the above schedule of the 75th percentile of the 2002 weekly market rates adjusted for the average
33 of the 75th percentile of the 2002 and the 2004 weekly market rates. These rates shall be increased
34 by ten dollars (\$10.00) per week for infant/toddler care provided by licensed family-childcare

1 providers and license-exempt providers and then the rates for all providers for all age groups shall
2 be increased by three percent (3%). For the fiscal year ending June 30, 2018, licensed childcare
3 centers shall be reimbursed a maximum weekly rate of one hundred ninety-three dollars and sixty-
4 four cents (\$193.64) for infant/toddler care and one hundred sixty-one dollars and seventy-one
5 cents (\$161.71) for preschool-age children.

6 (b) Effective July 1, 2018, subject to the payment limitations in subsection (c), the
7 maximum infant/toddler and preschool-age reimbursement rates to be paid by the departments of
8 human services and children, youth and families for licensed childcare centers shall be
9 implemented in a tiered manner, reflective of the quality rating the provider has achieved within
10 the state's quality rating system outlined in § 42-12-23.1.

11 (1) For infant/toddler childcare, tier one shall be reimbursed two and one-half percent
12 (2.5%) above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%) above
13 the FY 2018 weekly amount, tier three shall be reimbursed thirteen percent (13%) above the FY
14 2018 weekly amount, tier four shall be reimbursed twenty percent (20%) above the FY 2018 weekly
15 amount, and tier five shall be reimbursed thirty-three percent (33%) above the FY 2018 weekly
16 amount.

17 (2) For preschool reimbursement rates, tier one shall be reimbursed two and one-half
18 (2.5%) percent above the FY 2018 weekly amount, tier two shall be reimbursed five percent (5%)
19 above the FY 2018 weekly amount, tier three shall be reimbursed ten percent (10%) above the FY
20 2018 weekly amount, tier four shall be reimbursed thirteen percent (13%) above the FY 2018
21 weekly amount, and tier five shall be reimbursed twenty-one percent (21%) above the FY 2018
22 weekly amount.

23 ~~(c) The departments shall pay childcare providers based on the lesser of the applicable rate~~
24 ~~specified in subsection (a), or the lowest rate actually charged by the provider to any of its public~~
25 ~~or private childcare customers with respect to each of the rate categories, infant, preschool and~~
26 ~~school age.~~

27 (c~~d~~) By June 30, 2004, and biennially through June 30, 2014, the department of labor and
28 training shall conduct an independent survey or certify an independent survey of the then current
29 weekly market rates for childcare in Rhode Island and shall forward such weekly market rate survey
30 to the department of human services. The next survey shall be conducted by June 30, 2016, and
31 triennially thereafter. The departments of human services and labor and training will jointly
32 determine the survey criteria including, but not limited to, rate categories and sub-categories.

33 (d~~e~~) In order to expand the accessibility and availability of quality childcare, the
34 department of human services is authorized to establish by regulation alternative or incentive rates

1 of reimbursement for quality enhancements, innovative or specialized childcare and alternative
2 methodologies of childcare delivery, including non-traditional delivery systems and collaborations.

3 (e) Effective January 1, 2007, ~~all childcare providers~~ licensed childcare centers and
4 licensed family-childcare have the option to be paid every two (2) weeks and have the option of
5 automatic direct deposit and/or electronic funds transfer of reimbursement payments.

6 (f) Effective July 1, 2019, the maximum infant/toddler and preschool-age reimbursement
7 rates to be paid by the departments of human services and children, youth and families for licensed
8 family childcare providers shall be implemented in a tiered manner, reflective of the quality rating
9 the provider has achieved within the state's quality rating system outlined in § 42-12-23.1. Tier one
10 shall be reimbursed two (2) percent above the state fiscal year 2018 weekly amount, tier two shall
11 be reimbursed five (5) percent above the state fiscal year 2018 weekly amount, tier three shall be
12 reimbursed eleven (11) percent above the state fiscal year 2018 weekly amount, tier four shall be
13 reimbursed fourteen (14) percent above the state fiscal year 2018 weekly amount, and tier five shall
14 be reimbursed twenty-three (23) percent above the state fiscal year 2018 weekly amount.

15 SECTION 7. This article shall take effect upon passage.