

2023 -- S 0493

LC002058

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- FAILING SCHOOL CHOICE ACT

Introduced By: Senators de la Cruz, Rogers, DeLuca, and E Morgan

Date Introduced: March 07, 2023

Referred To: Senate Education

It is enacted by the General Assembly as follows:

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

3 CHAPTER 112

4 FAILING SCHOOL CHOICE ACT

5 **16-112-1. Short title.**

6 This chapter shall be known and may be cited as the "Failing School Choice Act".

7 **16-112-2. Purpose.**

8 Any student who is assigned to a failing school, as defined by the department of education  
9 as the bottom fifteen percent (15%) of public schools in Rhode Island as defined in § 16-112-5,  
10 shall be eligible to utilize the provisions of this chapter to petition any public school with available  
11 capacity to enroll in that school. A receiving school, of the parent's choice, may enroll any  
12 nonresident students.

13 **16-112-3. Funding.**

14 Receiving schools shall be eligible for the state aid portion of the per-pupil aid from the  
15 sending local education agency (LEA) in accordance with the state aid education funding formula  
16 for reimbursement. The sending LEA shall pay and reimburse the receiving LEA for the full tuition  
17 costs being paid for the student by the sending LEA with respect to any student with special needs  
18 or an individual education plan.

19 **16-112-4. Eligibility.**

1 (a) Students currently enrolled in failing schools shall be eligible for school choice pursuant  
2 to § 16-112-2.

3 (b) A receiving school may expel any student who has been suspended two (2) times or  
4 more in a single school year. Any student who is expelled during the current school year is only  
5 eligible for enrollment in their home district for that school year. The suspended student shall be  
6 eligible for school choice for the next school year; provided, that if the student is again expelled,  
7 the student shall be ineligible for school choice for four (4) consecutive years.

8 **16-112-5. Reporting requirements.**

9 (a) Every five (5) years, the department of education shall reclassify schools based upon  
10 their performance except for students participating in the school choice program as set forth in §  
11 16-112-4. Students attending a school that falls into the bottom fifteen percent (15%), shall be  
12 eligible for school choice. At no time shall any student who has been granted school choice lose  
13 that status, except as set forth in § 16-112-4(b).

14 (b) Every five (5) years, the department of education shall determine the functional  
15 capacity of each school, in every school district, to determine the number of school choice students  
16 available for enrollment.

17 (c) Any student who has enrolled in a receiving school under § 16-112-4 shall be entitled  
18 to attend the receiving school through the highest grade level offered by the failing school.

19 **16-112-6. Transportation.**

20 (a) Parents participating in school choice may utilize state school transportation only within  
21 the same transportation region as defined in § 16-21.1-2.

22 (b) Parents participating in school choice may utilize private school transportation to send  
23 the student to any school district.

24 (c) School transportation shall be provided at the sending school district's expense or from  
25 the Rhode Island education revitalization fund (RIERF), as provided in chapter 113 of title 16, as  
26 long as the receiving school is in the same transportation region as the student's sending school  
27 subject to regulations promulgated by the Rhode Island department of education.

28 (d) Funding for transportation inside transportation regions shall be pursuant to § 16-21.1-  
29 2.

30 **16-112-7. Rules and regulations.**

31 The department of education shall promulgate rules and regulations to implement the  
32 provisions of this chapter.

33 CHAPTER 113

34 RHODE ISLAND EDUCATION REVITALIZATION FUND ACT

1 **16-113-1. Short title.**

2 This chapter shall be known and may be cited as the "Rhode Island Education  
3 Revitalization Fund Act".

4 **16-113-2. Purpose.**

5 The State of Rhode Island shall establish the Rhode Island education revitalization fund  
6 (RIERF) to provide funds for any school choice program pursuant to chapter 112 of title 16.

7 **16-113-3. Funding.**

8 (a) There shall be created a statewide property tax on all real property of any private college  
9 or university, nonprofit college or university, or any other post-secondary school.

10 (b) The amount of the tax in subsection (a) of this section shall be based upon the  
11 endowment of the private college or university, nonprofit college or university, or any other post-  
12 secondary school.

13 (c) The amount to be collected to fund this chapter shall be included in the annual budget  
14 bill approved by the general assembly each fiscal year.

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

17 CHAPTER 7.3

18 EDUCATION SAVINGS ACCOUNTS PROGRAM

19 **16-7.3-1. Education savings accounts program established.**

20 (a) Upon request to the Rhode Island department of education of any parent, guardian or  
21 caretaker of any school age child in the state, the general treasurer shall establish, in any form as  
22 the general treasurer deems appropriate, an education savings account program. The purpose of the  
23 program shall be to assist and support the parent(s), guardian(s) and caretaker(s) of each student in  
24 the state with the tuition, materials, tutors, technology and other educational support in order that  
25 the parent(s), guardian(s), or caretaker(s) of any student with an education savings account shall be  
26 entitled to utilize, at their sole discretion, any funds in the education savings account established  
27 for the student for tuition, tutoring, technology, supplies and any other learning support measures  
28 or materials for any student learning at home or at any other remote-learning site, public school, or  
29 private school.

30 (b) Each education savings account shall be maintained in a restricted receipt savings  
31 account and shall be managed by the parent(s), guardian(s), or caretaker(s) of the student.

32 (c) The Rhode Island department of education shall determine the available per pupil cost  
33 of the student's home school district to the existing students of the school district. Said per pupil  
34 cost shall be set aside by the school district in the restricted receipt savings account established for

1 each student of the school district entitled to an education savings account.

2 (d) The parent(s), guardian(s), or caretaker(s) of each student for whom an education  
3 savings account is established may contribute additional monies to such account.

4 (e) For state income tax purposes, the amount contributed and the annual earnings  
5 therefrom contributed to an education savings account by a parent, guardian or caretaker shall be  
6 exempt from the state income tax and shall not be included in the Rhode Island personal income  
7 tax of the parent(s), guardian(s) or caretaker(s) making the contribution to the education savings  
8 account.

9 (f) The parent(s), guardian(s), or caretaker(s) of any student with an education savings  
10 account shall be entitled to utilize, at their sole discretion, any funds in the education savings  
11 account established for the student for tuition, tutoring, technology, supplies and any other learning  
12 support measures or materials for any student learning at home or at any other remote-learning site,  
13 public school, or private school.

14 (g) Once a parent, guardian, or caretaker of a student accesses and utilizes funds from an  
15 education savings account established pursuant to this chapter to enable their student to attend  
16 another public school:

17 (1) Their student shall be ineligible to return to their previous, sending public school during  
18 the remainder of that school year; and

19 (2) The receiving district, if it is a public school district, shall be able to negotiate the tuition  
20 to be charged for the student to attend school in that receiving district, prior to the student attending  
21 school in that district.

22 SECTION 3. 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 -- FAILING SCHOOL CHOICE ACT

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- 1           This act would establish the Failing School Choice Act and would permit students at failing  
2 schools to enroll in any public school. This act would also establish the Rhode Island education  
3 revitalization fund to provide funding to the school choice program.  
4           This act would take effect upon passage.

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