

1 **ARTICLE 8**

2 **RELATING TO EDUCATION**

3 SECTION 1. Sections 16-7.2-3 and 16-7.2-6 of the General Laws in Chapter 16-7.2 entitled
4 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

5 **16-7.2-3. Permanent foundation education aid established.**

6 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall
7 take effect. The foundation education aid for each district shall be the sum of the core instruction
8 amount in subdivision (a)(1) and the amount to support high-need students in subdivision (a)(2),
9 which shall be multiplied by the district state-share ratio calculated pursuant to § 16-7.2-4 to
10 determine the foundation aid.

11 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-
12 instruction amount as established by the department of elementary and secondary education,
13 derived from the average of northeast regional expenditure data for the states of Rhode Island,
14 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics
15 (NCES) that will adequately fund the student instructional needs as described in the basic education
16 program and multiplied by the district average daily membership as defined in § 16-7-22.
17 Expenditure data in the following categories: instruction and support services for students,
18 instruction, general administration, school administration, and other support services from the
19 National Public Education Financial Survey, as published by NCES, and enrollment data from the
20 Common Core of Data, also published by NCES, will be used when determining the core-
21 instruction amount. The core-instruction amount will be updated annually. For the purpose of
22 calculating this formula, school districts' resident average daily membership shall exclude charter
23 school and state-operated school students. Beginning in FY 2025, the increase in the core-
24 instruction amount shall not exceed the average five-year annual percentage change in the
25 consumer price index.

26 (2) The amount to support high-need students beyond the core-instruction amount shall be
27 determined by multiplying a student success factor of forty percent (40%) by the core instruction
28 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child
29 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty
30 guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part of its budget
31 submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of
32 elementary and secondary education shall develop and utilize a poverty measure that in the
33 department's assessment most accurately serves as a proxy for the poverty status referenced in this
34 subsection and does not rely on the administration of school nutrition programs. The department

1 shall utilize this measure in calculations pursuant to this subsection related to the application of the
2 student success factor, in calculations pursuant to § 16-7.2-4 related to the calculation of the state
3 share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department
4 may also include any recommendations which seek to mitigate any disruptions associated with the
5 implementation of this new poverty measure or improve the accuracy of its calculation. Beginning
6 with the FY 2024 calculation, students whose family income is at or below one hundred eighty-
7 five percent (185%) of federal poverty guidelines will be determined by participation in the
8 supplemental nutrition assistance program (SNAP). The number of students directly certified
9 through the department of human services shall be multiplied by a factor of 1.6.

10 (b) The department of elementary and secondary education shall provide an estimate of the
11 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate
12 shall include the most recent data available as well as an adjustment for average daily membership
13 growth or decline based on the prior year experience.

14 (c) In addition, the department shall report updated figures based on the average daily
15 membership as of October 1 by December 1.

16 (d) Local education agencies may set aside a portion of funds received under subsection
17 (a) to expand learning opportunities such as after school and summer programs, full-day
18 kindergarten and/or multiple pathway programs, provided that the basic education program and all
19 other approved programs required in law are funded.

20 (e) The department of elementary and secondary education shall promulgate such
21 regulations as are necessary to implement fully the purposes of this chapter.

22 (f)(1) By October 1, 2023, as part of its budget submission pursuant to § 35-3-4 relative to
23 state fiscal year 2025, the department of elementary and secondary education shall evaluate the
24 number of students by district who qualify as multilingual learner (MLL) students and MLL
25 students whose family income is at or below one hundred eighty-five percent (185%) of federal
26 poverty guidelines. The submission shall also include segmentation of these populations by levels
27 as dictated by the WIDA multilingual learner assessment tool used as an objective benchmark for
28 English proficiency. The department shall also prepare and produce expense data sourced from the
29 uniform chart of accounts to recommend funding levels required to support students at the various
30 levels of proficiency as determined by the WIDA assessment tool. Utilizing this information, the
31 department shall recommend a funding solution to meet the needs of multilingual learners; this may
32 include but not be limited to inclusion of MLL needs within the core foundation formula amount
33 through one or multiple weights to distinguish different students of need or through categorical
34 means.

1 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to
2 state fiscal year 2026, the department of elementary and secondary education shall develop
3 alternatives to identify students whose family income is at or below one hundred eighty-five percent
4 (185%) of federal poverty guidelines through participation in state-administered programs,
5 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RiteCare
6 and other programs that include the collection of required supporting documentation. The
7 department may also include any recommendations that seek to mitigate any disruptions associated
8 with implementation of this new poverty measure or improve the accuracy of its calculation.

9 (3) The department shall also report with its annual budget request information regarding
10 local contributions to education aid and compliance with §§ 16-7-23 and 16-7-24. The report shall
11 also compare these local contributions to state foundation education aid by community. The
12 department shall also report compliance to each city or town school committee and city or town
13 council.

14 **16-7.2-6. Categorical programs, state funded expenses.**

15 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the permanent
16 foundation education-aid program shall provide direct state funding for:

17 (a) Excess costs associated with special education students. Excess costs are defined when
18 an individual special education student's cost shall be deemed to be "extraordinary." Extraordinary
19 costs are those educational costs that exceed the state-approved threshold based on an amount
20 above four times the core foundation amount (total of core-instruction amount plus student success
21 amount). The department of elementary and secondary education shall prorate the funds available
22 for distribution among those eligible school districts if the total approved costs for which school
23 districts are seeking reimbursement exceed the amount of funding appropriated in any fiscal year;
24 and the department of elementary and secondary education shall also collect data on those
25 educational costs that exceed the state-approved threshold based on an amount above two (2), three
26 (3), and five (5) times the core-foundation amount;

27 (b) Career and technical education costs to help meet initial investment requirements
28 needed to transform existing, or create new, comprehensive, career and technical education
29 programs and career pathways in critical and emerging industries and to help offset the higher-
30 than-average costs associated with facilities, equipment maintenance and repair, and supplies
31 necessary for maintaining the quality of highly specialized programs that are a priority for the state.
32 The department shall develop criteria for the purpose of allocating any and all career and technical
33 education funds as may be determined by the general assembly on an annual basis. The department
34 of elementary and secondary education shall prorate the funds available for distribution among

1 those eligible school districts if the total approved costs for which school districts are seeking
2 reimbursement exceed the amount of funding available in any fiscal year;

3 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten programs.
4 The department shall recommend criteria for the purpose of allocating any and all early childhood
5 program funds as may be determined by the general assembly;

6 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure
7 that appropriate funding is available to support their students. Additional support for Central Falls
8 is needed due to concerns regarding the city's capacity to meet the local share of education costs.
9 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs outside
10 the permanent foundation education-aid formula, including, but not limited to, transportation,
11 facility maintenance, and retiree health benefits shall be shared between the state and the city of
12 Central Falls. The fund shall be annually reviewed to determine the amount of the state and city
13 appropriation. The state's share of this fund may be supported through a reallocation of current
14 state appropriations to the Central Falls school district. At the end of the transition period defined
15 in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24. Additional
16 support for the Davies and the Met Center is needed due to the costs associated with running a
17 stand-alone high school offering both academic and career and technical coursework. The
18 department shall recommend criteria for the purpose of allocating any and all stabilization funds as
19 may be determined by the general assembly;

20 (e) Excess costs associated with transporting students to out-of-district non-public schools.
21 This fund will provide state funding for the costs associated with transporting students to out-of-
22 district non-public schools, pursuant to chapter 21.1 of this title. The state will assume the costs of
23 non-public out-of-district transportation for those districts participating in the statewide system.
24 The department of elementary and secondary education shall prorate the funds available for
25 distribution among those eligible school districts if the total approved costs for which school
26 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

27 (f) Excess costs associated with transporting students within regional school districts. This
28 fund will provide direct state funding for the excess costs associated with transporting students
29 within regional school districts, established pursuant to chapter 3 of this title. This fund requires
30 that the state and regional school district share equally the student transportation costs net any
31 federal sources of revenue for these expenditures. The department of elementary and secondary
32 education shall prorate the funds available for distribution among those eligible school districts if
33 the total approved costs for which school districts are seeking reimbursement exceed the amount
34 of funding available in any fiscal year;

1 (g) Public school districts that are regionalized shall be eligible for a regionalization bonus
2 as set forth below:

3 (1) As used herein, the term “regionalized” shall be deemed to refer to a regional school
4 district established under the provisions of chapter 3 of this title, including the Chariho Regional
5 School district;

6 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
7 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
8 regionalization bonus shall commence in the first fiscal year following the establishment of a
9 regionalized school district as set forth in chapter 3 of this title, including the Chariho Regional
10 School District;

11 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
12 state’s share of the foundation education aid for the regionalized district as calculated pursuant to
13 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

14 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
15 state’s share of the foundation education aid for the regionalized district as calculated pursuant to
16 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

17 (5) The regionalization bonus shall cease in the third fiscal year;

18 (6) The regionalization bonus for the Chariho regional school district shall be applied to
19 the state share of the permanent foundation education aid for the member towns; and

20 (7) The department of elementary and secondary education shall prorate the funds available
21 for distribution among those eligible regionalized school districts if the total, approved costs for
22 which regionalized school districts are seeking a regionalization bonus exceed the amount of
23 funding appropriated in any fiscal year;

24 (h) Additional state support for English learners (EL). The amount to support EL students
25 shall be determined by multiplying an EL factor of ~~fifteen percent (15%)~~ twenty-five percent (25%)
26 by the core-instruction per-pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of
27 additional state support to EL students identified using widely adopted, independent standards and
28 assessments identified by the commissioner. All categorical funds distributed pursuant to this
29 subsection must be used to provide high-quality, research-based services to EL students and
30 managed in accordance with requirements set forth by the commissioner of elementary and
31 secondary education. The department of elementary and secondary education shall collect
32 performance reports from districts and approve the use of funds prior to expenditure. The
33 department of elementary and secondary education shall ensure the funds are aligned to activities
34 that are innovative and expansive and not utilized for activities the district is currently funding;

1 (i) State support for school resource officers. For purposes of this subsection, a school
2 resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority
3 who is deployed by an employing police department or agency in a community-oriented policing
4 assignment to work in collaboration with one or more schools. School resource officers should have
5 completed at least forty (40) hours of specialized training in school policing, administered by an
6 accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3) years,
7 school districts or municipalities that choose to employ school resource officers shall receive direct
8 state support for costs associated with employing such officers at public middle and high schools.
9 Districts or municipalities shall be reimbursed an amount equal to one-half (½) of the cost of
10 salaries and benefits for the qualifying positions. Funding will be provided for school resource
11 officer positions established on or after July 1, 2018, provided that:

12 (1) Each school resource officer shall be assigned to one school:

13 (i) Schools with enrollments below one thousand two hundred (1,200) students shall
14 require one school resource officer;

15 (ii) Schools with enrollments of one thousand two hundred (1,200) or more students shall
16 require two school resource officers;

17 (2) School resource officers hired in excess of the requirement noted above shall not be
18 eligible for reimbursement; and

19 (3) Schools that eliminate existing school resource officer positions and create new
20 positions under this provision shall not be eligible for reimbursement; and

21 (j) Categorical programs defined in subsections (a) through (g) shall be funded pursuant to
22 the transition plan in § 16-7.2-7.

23 SECTION 2. Sections 16-8-10 and 16-8-10.1 of the General Laws in Chapter 16-8 entitled
24 “Federal Aid” are hereby amended to read as follows:

25 **16-8-10. Mandatory school lunch programs.**

26 All public elementary and secondary schools shall be required to make ~~type-A~~ federally
27 reimbursable lunches available to students attending those schools through the USDA’s National
28 School Lunch Program (NSLP) in accordance with federal regulation as well as rules and
29 regulations adopted from time to time by the department of elementary and secondary education.
30 To the extent that federal, state, and other funds are available, free ~~and reduced-price type-A~~
31 reimbursable lunches shall be provided to all students from families that meet the current specific
32 criteria established by federal and state regulations to qualify for free or reduced-price meals. The
33 state of Rhode Island shall provide additional funds to public schools in an amount equal to the
34 difference between the federal reimbursement rate for a free lunch and the federal reimbursement

1 rate received for each student eligible for a reduced-price lunch and receiving lunch. The
2 requirement that ~~type-A reimbursable~~ lunches be provided shall apply to locally managed school
3 lunch programs, and school lunch programs administered directly by the department of elementary
4 and secondary education or by any other public agency whether using school facilities or a
5 commercial catering service. The department of elementary and secondary education is further
6 authorized to expand the school lunch program to the extent that federal, state, and/or local funds
7 are available by the utilization of one or more food preparation centers for delivery to participating
8 schools for the purpose of providing meals to students on a more economical basis than could be
9 provided by a community acting individually.

10 **16-8-10.1. Mandatory school breakfast programs.**

11 (a) All public elementary and secondary schools shall be required to ~~make a~~
12 federally reimbursable school breakfasts ~~program~~ available to students attending ~~the~~
13 those schools through the USDA's School Breakfast Program (SBP) in accordance with
14 federal regulation as well as ~~The breakfast meal shall meet any~~ rules and regulations that
15 are adopted ~~by the commissioner~~ from time to time by the department of elementary and
16 secondary education. To the extent that federal, state, and other funds are available, free
17 reimbursable breakfasts shall be provided to all students from families that meet the
18 current specific criteria established by federal and state regulations to qualify for free or
19 reduced-price meals. The state of Rhode Island shall provide additional funds to public
20 schools in an amount equal to the difference between the federal reimbursement rate
21 received for a free breakfast and the federal reimbursement rate received for each student
22 eligible for a reduced-price breakfast and receiving breakfast.

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

29 SECTION 3. This article shall take effect upon passage.