

## ARTICLE 7 AS AMENDED

### RELATING TO EDUCATION

SECTION 1. Section 16-7-22 of the General Laws in Chapter 16-7 entitled "Foundation Level School Support [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended to read as follows:

#### **16-7-22. Determination of average daily membership.**

Each community shall be paid pursuant to the provisions of § 16-7-17 an amount based upon the following provisions:

(1) On or before September 1 of each year the average daily membership of each city and town for the reference year shall be determined by the commissioner of elementary and secondary education from data supplied by the school committee in each community in the following manner: The aggregate number of days of membership of all pupils enrolled full time in grade twelve (12) and below, except that pupils below grade one who are not full time shall be counted on a full-time equivalent basis: (i) Increased by the aggregate number of days of membership of pupils residing in the particular city or town whose tuition in schools approved by the department of elementary and secondary education in other cities and towns is paid by the particular city or town; and (ii) Decreased by the aggregate number of days of membership of nonresident pupils enrolled in the public schools of the particular city or town ~~and further decreased by the aggregate number of days of membership equal to the number of group home beds calculated for the purposes of reimbursement pursuant to § 16-64-1.1;~~ and (iii) Decreased further, in the case of a city or town that is a member of a regional school district during the first year of operation of the regional school district by the aggregate number of days of membership of pupils residing in the city or town who would have attended the public schools in the regional school district if the regional school district had been operating during the previous year, divided by the number of days during which the schools were officially in session during the reference year. The resulting figures shall be the average daily membership for the city or town for the reference year. For purposes of calculating the permanent foundation education aid as described in § 16-7.2-3(1) and (2), the average daily membership for school districts shall exclude charter school and state school students, and beginning in school year 2014-2015, include an estimate to ensure that districts converting from a half-day to a full-day kindergarten program pursuant to § 16-99-4 are credited on a full-time basis

beginning in the first year of enrollment and are funded notwithstanding the transition plan pursuant to § 16-7.2-7.

(2) The average daily membership of pupils attending public schools shall apply for the purposes of determining the percentage of the state's share under the provisions of §§ 16-7-16(3), 16-7-16(10), 16-7-18, 16-7-19, 16-7-20, 16-7-21, and 16-7.2-4.

(3) In the case of regional school districts, the aggregate number of days of membership by which each city or town is decreased in subsection (1)(iii) of this section, divided by the number of days during which the schools attended by the pupils were officially in session, shall determine the average daily membership for the regional school district during the first year of operation. After the first year of operation, the average daily membership of each regional school district, except the Chariho regional high school district, shall be determined by the commissioner of elementary and secondary education from data supplied by the school committee of each regional school district for the reference year in the manner provided in subsection (1) of this section.

~~(4) For all fiscal years beginning after June 30, 2024, notwithstanding subsection (1)(ii) above, the decrease for group home beds shall not apply to residential facility "beds" located or associated with the CRAFT program pursuant to § 16-64-1.1.~~

SECTION 2. Sections 16-7.2-3 and 16-7.2-5 of the General Laws in Chapter 16-7.2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

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

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

(1) The core instruction amount shall be an amount equal to a statewide, per-pupil core instruction amount as established by the department of elementary and secondary education, derived from the average of northeast regional expenditure data for the states of Rhode Island, Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics (NCES) that will adequately fund the student instructional needs as described in the basic education program and multiplied by the district average daily membership as defined in § 16-7-22. Expenditure data in the following categories: instruction and support services for students, instruction, general administration, school administration, and other support services from the National Public Education Financial Survey, as published by NCES, and enrollment data from the Common Core of Data, also published by NCES, will be used when determining the core

1 instruction amount. The core instruction amount will be updated annually. For the purpose of  
2 calculating this formula, school districts' resident average daily membership shall exclude charter  
3 school and state-operated school students.

4 (2) The amount to support high-need students beyond the core instruction amount shall be  
5 determined by:

6 (i) Multiplying a student success factor of forty percent (40%) by the core instruction per-  
7 pupil amount described in subsection (a)(1) of this section and applying that amount for each  
8 resident child whose family income is at or below one hundred eighty-five percent (185%) of  
9 federal poverty guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as part  
10 of its budget submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the  
11 department of elementary and secondary education shall develop and utilize a poverty measure that  
12 in the department's assessment most accurately serves as a proxy for the poverty status referenced  
13 in this subsection and does not rely on the administration of school nutrition programs. The  
14 department shall utilize this measure in calculations pursuant to this subsection related to the  
15 application of the student success factor, in calculations pursuant to § 16-7.2-4 related to the  
16 calculation of the state share ratio, and in the formulation of estimates pursuant to subsection (b)  
17 below. The department may also include any recommendations which seek to mitigate any  
18 disruptions associated with the implementation of this new poverty measure or improve the  
19 accuracy of its calculation. Beginning with the FY 2024 calculation, students whose family income  
20 is at or below one hundred eighty-five percent (185%) of federal poverty guidelines will be  
21 determined by participation in the supplemental nutrition assistance program (SNAP). The number  
22 of students directly certified through the department of human services shall be multiplied by a  
23 factor of 1.6; and

24 (ii) Multiplying a multilingual learner (MLL) factor of twenty percent (20%) by the core  
25 instruction per-pupil amount described in subsection (a)(1) of this section, applying that amount  
26 for each resident child identified in the three lowest proficiency categories using widely adopted,  
27 independent standards and assessments in accordance with subsection (f)(1) of this section and as  
28 identified by the commissioner and defined by regulations of the council on elementary and  
29 secondary education. Local education agencies shall report annually to the department of  
30 elementary and secondary education by September 1, outlining the planned and prior year use of  
31 all funding pursuant to this subsection to provide services to MLL students in accordance with  
32 requirements set forth by the commissioner of elementary and secondary education. The  
33 department shall review the use of funds to ensure consistency with established best practices.

34 (b) The department of elementary and secondary education shall provide an estimate of the

1 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate  
2 shall include the most recent data available as well as an adjustment for average daily membership  
3 growth or decline based on the prior year experience.

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

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

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

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

25 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to  
26 state fiscal year 2026, the department of elementary and secondary education shall develop  
27 alternatives to identify students whose family income is at or below one hundred eighty-five percent  
28 (185%) of federal poverty guidelines through participation in state-administered programs,  
29 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RItCare  
30 and other programs that include the collection of required supporting documentation. The  
31 department may also include any recommendations that seek to mitigate any disruptions associated  
32 with implementation of this new poverty measure or improve the accuracy of its calculation.

33 (3) The department shall also report with its annual budget request information regarding  
34 local contributions to education aid and compliance with §§ 16-7-23 and 16-7-24. The report shall

1 also compare these local contributions to state foundation education aid by community. The  
2 department shall also report compliance to each city or town school committee and city or town  
3 council.

4 (4) By October 1, 2025, as part of its budget submission pursuant to § 35-3-4 relative to  
5 state fiscal year 2027, the department of elementary and secondary education shall submit a report  
6 developed in coordination with the department of administration and the Rhode Island longitudinal  
7 data system within the office of the postsecondary commissioner. The report shall provide an  
8 overview of the process for matching the department of human services program participation data  
9 to the department of elementary and secondary education student enrollment records for use in the  
10 education funding formula and recommend methods to ensure consistency and accuracy in future  
11 matching processes.

12 (5) As part of its FY 2027 budget submission, the department shall also submit an estimate  
13 of foundation education aid that uses expanded direct certification with Medicaid matching in  
14 consultation with the Rhode Island longitudinal data system and the executive office of health and  
15 human services to identify students whose family income is at or below one hundred eighty-five  
16 percent (185%) of federal poverty guidelines, in addition to an estimate under the current law  
17 poverty determination.

18 (6) By December 31, 2025, the department of elementary and secondary education shall  
19 also develop and submit a report to the governor, speaker of the house, and senate president on  
20 current and recommended processes to ensure the consistency and validity of submitted high-cost  
21 special education data from local education agencies.

22 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**  
23 **High School, and the Metropolitan Regional Career and Technical Center.**

24 (a) Charter public schools, as defined in chapter 77 of this title, the William M. Davies, Jr.  
25 Career and Technical High School (Davies), and the Metropolitan Regional Career and Technical  
26 Center (the Met Center) shall be funded pursuant to § 16-7.2-3. If the October 1 actual enrollment  
27 data for any charter public school shows a ten percent (10%) or greater change from the prior year  
28 enrollment that is used as the reference year average daily membership, the last six (6) monthly  
29 payments to the charter public school will be adjusted to reflect actual enrollment. The state share  
30 of the permanent foundation education aid shall be paid by the state directly to the charter public  
31 schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall be calculated using the state-  
32 share ratio of the district of residence of the student as set forth in § 16-7.2-4. The department of  
33 elementary and secondary education shall provide the general assembly with the calculation of the  
34 state share of permanent foundation education aid for charter public schools delineated by school

1 district.

2 (b) The local share of education funding shall be paid to the charter public school, Davies,  
3 and the Met Center by the district of residence of the student and shall be the local, per-pupil cost  
4 calculated by dividing the local appropriation to education from property taxes, net of debt service,  
5 and capital projects, as defined in the uniform chart of accounts by the average daily membership  
6 for each city and town, pursuant to § 16-7-22, for the reference year.

7 (c) Beginning in FY 2017, there shall be a reduction to the local per-pupil funding paid by  
8 the district of residence to charter public schools, Davies, and the Met Center. This reduction shall  
9 be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the district of  
10 residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for non-public  
11 textbooks, transportation for non-public students, retiree health benefits, out-of-district special-  
12 education tuition and transportation, services for students age eighteen (18) to twenty-one (21)  
13 years old, pre-school screening and intervention, and career and technical education, tuition and  
14 transportation costs, debt service and rental costs minus the average expenses incurred by charter  
15 schools for those same categories of expenses as reported in the uniform chart of accounts for the  
16 prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of elementary  
17 and secondary education. In the case where audited financials result in a change in the calculation  
18 after the first tuition payment is made, the remaining payments shall be based on the most recent  
19 audited data. For those districts whose greater reduction occurs under the calculation of (ii), there  
20 shall be an additional reduction to payments to mayoral academies with teachers who do not  
21 participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per-pupil  
22 value of teacher retirement costs attributable to unfunded liability as calculated by the state's  
23 actuary for the prior preceding fiscal year. Notwithstanding the foregoing, beginning with FY 2026,  
24 the reduction to the local per-pupil funding shall not exceed fourteen percent (14%).

25 (d) Local district payments to charter public schools, Davies, and the Met Center for each  
26 district's students enrolled in these schools shall be made on a quarterly basis in July, October,  
27 January, and April; however, the first local-district payment shall be made by August 15, instead  
28 of July. Failure of the community to make the local-district payment for its student(s) enrolled in a  
29 charter public school, Davies, and/or the Met Center may result in the withholding of state  
30 education aid pursuant to § 16-7-31.

31 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met  
32 Center enrollment, that, combined, comprise five percent (5%) or more of the average daily  
33 membership as defined in § 16-7-22, shall receive additional aid for a period of three (3) years. Aid  
34 in FY 2017 shall be equal to the number of charter public school, open-enrollment schools, Davies,

1 or the Met Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount  
2 of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to the number of charter  
3 public school, open-enrollment schools, Davies, or the Met Center students as of the reference year  
4 as defined in § 16-7-16 times a per-pupil amount of one hundred dollars (\$100). Aid in FY 2019  
5 shall be equal to the number of charter public school, open-enrollment schools, Davies, or the Met  
6 Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount of fifty  
7 dollars (\$50.00). The additional aid shall be used to offset the adjusted fixed costs retained by the  
8 districts of residence.

9 (f) [Deleted by P.L. 2023, ch. 79, art. 8, § 2.]

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

12 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**  
13 **foster care, group homes, or other residential facility by a Rhode Island state agency.**

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

19 (b) Children placed by the department of children, youth and families (DCYF) in a group  
20 home or other residential facility that does not include the delivery of educational services are to  
21 be educated by the community in which the group home or other residential facility is located, and  
22 those children shall be entitled to the same free, appropriate public education provided to all other  
23 residents of the city or town where the child is placed. For purposes of payment and reimbursement  
24 for educational costs under this chapter, the term "group home or other residential facility" shall  
25 not include independent-living programs [or the Children's Residential and Family Treatment](#)  
26 [\(CRAFT\) program located on the East Providence campus of Bradley Hospital](#). Each city and town  
27 that contains one or more group homes or other residential facilities that do not include delivery of  
28 educational services will receive funds as part of state aid to education in accordance with the  
29 following provisions:

30 (1) On December 31 of each year, the DCYF shall provide the department of elementary  
31 and secondary education with a precise count of how many group home or other residential facility  
32 "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities that do not  
33 include the delivery of educational services. The number of "beds" in each group home or other  
34 residential facility shall be equal to the maximum number of children who may be placed in that

1 group home or other residential facility on any given night according to the applicable licensure  
2 standards of the DCYF.

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

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

28 (c) Children placed by DCYF in a residential-treatment program, group home, or other  
29 residential facility, whether or not located in the state of Rhode Island, which includes the delivery  
30 of educational services provided by that facility (excluding facilities where students are taught on  
31 grounds for periods of time by teaching staff provided by the school district in which the facility is  
32 located), shall have the cost of their education paid for as provided for in subsection (d) and § 16-  
33 64-1.2. The city or town determined to be responsible to DCYF for a per-pupil special-education  
34 cost pursuant to § 16-64-1.2 shall pay its share of the cost of educational services to DCYF or to



1 the facility providing educational services.

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

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

7 (2) The facility is state licensed; and

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

10 (e) Notwithstanding the foregoing or any other law, effective June 30, 2025, neither the  
11 East Providence public schools nor the city of East Providence shall be responsible to provide any  
12 educational or related services or instruction or have any financial responsibility for any student  
13 attending the CRAFT program unless East Providence is that student's district of origin. The school  
14 district of origin shall be responsible to provide any pay for such services and instruction consistent  
15 with applicable state law and regulation. For purposes of this section, "school district of origin"  
16 means the school district in which the student was last registered to attend prior to admission to the  
17 CRAFT program. The East Providence school district shall not be paid reimbursement as provided  
18 in this statute for such students.

19 SECTION 4. This article shall take effect upon passage.