

ARTICLE 7

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. Section 16-7.2-3 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 SECTION 3. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled "Residence
23 of Children for School Purposes" is hereby amended to read as follows:

24 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
25 **foster care, group homes, or other residential facility by a Rhode Island state agency.**

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

31 (b) Children placed by the department of children, youth and families (DCYF) in a group
32 home or other residential facility that does not include the delivery of educational services are to
33 be educated by the community in which the group home or other residential facility is located, and
34 those children shall be entitled to the same free, appropriate public education provided to all other

1 residents of the city or town where the child is placed. For purposes of payment and reimbursement
2 for educational costs under this chapter, the term “group home or other residential facility” shall
3 not include independent-living programs or the Children's Residential and Family Treatment
4 (CRAFT) program located on the East Providence campus of Bradley Hospital. Each city and town
5 that contains one or more group homes or other residential facilities that do not include delivery of
6 educational services will receive funds as part of state aid to education in accordance with the
7 following provisions:

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

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

26 For all fiscal years beginning after June 30, 2016, education aid for each school district
27 shall include seventeen thousand dollars (\$17,000) for each bed certified by DCYF by the preceding
28 December 31. ~~Notwithstanding the provisions of this section or any law to the contrary, the~~
29 ~~education aid for all group home or other residential facility “beds” located or associated with the~~
30 ~~Children’s Residential and Family Treatment (CRAFT) program located on the East Providence~~
31 ~~campus of Bradley Hospital shall be twenty-six thousand dollars (\$26,000) per bed.~~ For all fiscal
32 years beginning after June 30, 2008, whenever the number of beds certified by DCYF for a school
33 district by December 31 is greater than the number certified the prior December 31 upon which the
34 education aid for that fiscal year was appropriated, the education aid for that district as enacted by

1 the assembly during the prior legislative session for that fiscal year will be increased by the number
2 of increased beds multiplied by the amount per bed authorized for that fiscal year. The Department
3 of Elementary and Secondary Education shall include the additional aid in equal payments in
4 March, April, May, and June, and the Governor's budget recommendations pursuant to § 35-3-8
5 shall include the amounts required to provide the increased aid.

6 (c) Children placed by DCYF in a residential-treatment program, group home, or other
7 residential facility, whether or not located in the state of Rhode Island, which includes the delivery
8 of educational services provided by that facility (excluding facilities where students are taught on
9 grounds for periods of time by teaching staff provided by the school district in which the facility is
10 located), shall have the cost of their education paid for as provided for in subsection (d) and § 16-
11 64-1.2. The city or town determined to be responsible to DCYF for a per-pupil special-education
12 cost pursuant to § 16-64-1.2 shall pay its share of the cost of educational services to DCYF or to
13 the facility providing educational services.

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

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

19 (2) The facility is state licensed; and

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

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

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