

1 **ARTICLE 7 AS AMENDED**

2 RELATING TO EDUCATION

3 SECTION 1. Section 16-2-34 of the General Laws in Chapter 16-2 entitled "School  
4 Committees and Superintendents [See Title 16 Chapter 97 — The Rhode Island Board of Education  
5 Act]" is hereby repealed.

6 ~~**16-2-34. Central Falls School District board of trustees.**~~

7 ~~(a) There is hereby established a seven (7) member board of trustees, which shall govern~~  
8 ~~the Central Falls School District. With the exception of those powers and duties reserved by the~~  
9 ~~commissioner of elementary and secondary education, and the board of regents for elementary and~~  
10 ~~secondary education, the board of trustees shall have the powers and duties of school committees.~~  
11 ~~Notwithstanding any provision of law to the contrary, the commissioner of elementary and~~  
12 ~~secondary education, as the executive agent of the board of regents for elementary and secondary~~  
13 ~~education, is authorized to exercise in whole or in part care, control, and management over the~~  
14 ~~public schools of the Central Falls school district within the scope of authority of the board of~~  
15 ~~trustees and board of regents, whenever the commissioner deems such intervention to be necessary~~  
16 ~~and appropriate.~~

17 ~~(b) The board of regents for elementary and secondary education shall appoint the members~~  
18 ~~of the board of trustees from nominations made by the commissioner of elementary and secondary~~  
19 ~~education. The chairperson shall also be selected in this manner. The board of regents shall~~  
20 ~~determine the number, qualifications, and terms of office of members of the board of trustees,~~  
21 ~~provided however, that at least four (4) of the members shall be residents of the city and parents of~~  
22 ~~current or former Central Falls public school students. The remaining three (3) shall be appointed~~  
23 ~~at large.~~

24 ~~(c) The board of regents shall provide parameters for overall budget requests, approve the~~  
25 ~~budget, and otherwise participate in budget development.~~

26 ~~(d) The commissioner of elementary and secondary education shall recommend parameters~~  
27 ~~for overall budget requests, recommend a budget, and otherwise participate in budget development.~~

28 ~~(e) The commissioner shall approve the process for selection of the superintendent.~~

29 ~~(f) The board of trustees shall meet monthly and serve without compensation. The board~~  
30 ~~of trustees shall have broad policy making authority for the operation of the school, as well as the~~

1 following powers and duties:

2 (1) To identify the educational needs of the district;

3 (2) To develop educational policies to meet the needs of students in the school district;

4 (3) To appoint a superintendent to serve as its chief executive officer and to approve

5 assistant and associate superintendents from nominations made by the superintendent;

6 (4) To provide policy guidance and otherwise participate in budget development; and

7 (5) To develop staffing policies which ensure that all students are taught by educators of

8 the highest possible quality.

9 (g) The superintendent shall serve at the pleasure of the board of trustees with the initial

10 appointment to be for a period of not more than three (3) years; provided, however, that the terms

11 and conditions of employment are subject to the approval of the board of regents for elementary

12 and secondary education.

13 (h) It shall be the responsibility of the superintendent to manage and operate the school on

14 a day to day basis. The superintendent's duties shall include the following:

15 (1) To be responsible for the care, supervision, and management of the schools;

16 (2) To recommend to the board of trustees educational policies to meet the needs of the

17 district, and to implement policies established by the board of trustees;

18 (3) To present nominations to the board of trustees for assistant and associate

19 superintendents and to appoint all other school personnel;

20 (4) To provide for the evaluation of all school district personnel;

21 (5) To establish a school based management approach for decision making for the operation

22 of the school;

23 (6) To prepare a budget and otherwise participate in budget development as required, and

24 to authorize purchases consistent with the adopted school district budget;

25 (7) To report to the board of trustees, on a regular basis, the financial condition and

26 operation of the schools, and to report annually on the educational progress of the schools;

27 (8) To establish appropriate advisory committees as needed to provide guidance on new

28 directions and feedback on the operation of the schools;

29 (9) With policy guidance from the board of trustees and extensive involvement of the

30 administrators and faculty in the school, to annually prepare a budget. The board of trustees shall

31 approve the budget and transmit it to the commissioner. The board of regents for elementary and

32 secondary education, upon recommendation of the commissioner of elementary and secondary

33 education, shall provide parameters for the overall budget request. Based on review and

34 recommendation by the commissioner, the board of regents shall approve the total budget and

1 ~~incorporate it into its budget request to the governor and to the general assembly. Line item~~  
2 ~~budgeting decisions shall be the responsibility of the superintendent; and~~

3 ~~(10) To negotiate, along with the chairperson of the board of trustees and his or her~~  
4 ~~appointed designee, all district employment contracts, which contracts shall be subject to the~~  
5 ~~approval of the commissioner of elementary and secondary education with the concurrence of the~~  
6 ~~board of regents.~~

7 ~~(i) Nothing in this section shall be deemed to limit or otherwise interfere with the rights of~~  
8 ~~teachers and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title~~  
9 ~~28, to exercise rights afforded under any statute including, but not limited to, Title 16, or to allow~~  
10 ~~the commissioner, board of trustees or the superintendent to abrogate any agreement by collective~~  
11 ~~bargaining.~~

12 ~~(j) The appointment of the special state administrator for the Central Falls School District~~  
13 ~~and the Central Falls School District Advisory Group, created by chapter 312 of the Rhode Island~~  
14 ~~Public Laws of 1991, will no longer be in effect upon the selection and appointment of the board~~  
15 ~~of trustees created in this section. All powers and duties of the special state administrator and the~~  
16 ~~Central Falls School District Advisory Group are hereby transferred and assigned to the board of~~  
17 ~~trustees created in this section, upon the selection and appointment of that board.~~

18 SECTION 2. Chapter 16-7 of the General Laws entitled "Foundation Level School Support  
19 [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby amended by  
20 adding thereto the following section:

21 **16-7-23.3. Central Falls schools -- Return to local control -- Local appropriation.**

22 (a) In fiscal years 2027 and thereafter, the city of Central Falls will contribute to the Central  
23 Falls School District an amount at least equal to the sum of:

24 (1) One percent (1%) of the city's prior year total tax levy;

25 (2) The city's prior year contribution; and

26 (3) A contribution from the Central Falls school district's fund balance beginning with  
27 \$500,000 in fiscal year 2027, reduced by \$50,000 annually in accordance with the final report of  
28 the Special Joint Legislative Commission to Study the Return of Central Falls Schools to Local  
29 Governance with a target end point that meets the Government Finance Officers Association's  
30 standards and aligns with the department of elementary and secondary education's fiscal  
31 accountability standards and annual reporting to ensure adequate funding of the foundation  
32 education aid for all Central Falls students.

33 (b) As authorized in § 44-5-2, the city of Central Falls may exceed the maximum levy to  
34 fulfill its obligation to contribute the amount required this section.

1           (c) No later than September 30, 2030, as preparation for the fiscal year 2032 budgeting  
2 process, the city of Central Falls (including the Central Falls school district), the division of  
3 municipal finance, and the department of elementary and secondary education shall conduct a  
4 review of the funding requirements set forth in this section and provide their recommendations for  
5 any modifications which should be made to the governor, speaker of the house, and president of  
6 the senate.

7           SECTION 3. Section 16-7-41.1 of the General Laws in Chapter 16-7 entitled "Foundation  
8 Level School Support [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is  
9 hereby amended to read as follows:

10           **16-7-41.1. Eligibility for reimbursement.**

11           (a) School districts, not municipalities, may apply for and obtain approval for a project  
12 under the necessity of school construction process set forth in the regulations of the council on  
13 elementary and secondary education, provided, however, in the case of a municipality that issues  
14 bonds through the Rhode Island health and educational building corporation to finance or refinance  
15 school facilities for a school district that is not part of the municipality, the municipality may apply  
16 for and obtain approval for a project. Such approval will remain valid until June 30 of the third  
17 fiscal year following the fiscal year in which the council on elementary and secondary education's  
18 approval is granted. Only those projects undertaken at school facilities under the care and control  
19 of the school committee and located on school property may qualify for reimbursement under §§  
20 16-7-35 — 16-7-47. Facilities with combined school and municipal uses or facilities that are  
21 operated jointly with any other profit or nonprofit agency do not qualify for reimbursement under  
22 §§ 16-7-35 — 16-7-47. Projects completed by June 30 of a fiscal year are eligible for  
23 reimbursement in the following fiscal year. A project for new school housing or additional housing  
24 shall be deemed to be completed when the work has been officially accepted by the school  
25 committee or when the housing is occupied for its intended use by the school committee, whichever  
26 is earlier.

27           (b) Notwithstanding the provisions of this section, the board of regents shall not grant final  
28 approval for any project between June 30, 2011, and May 1, 2015, except for projects that are  
29 necessitated by immediate health and safety reasons. In the event that a project is requested during  
30 the moratorium because of immediate health and safety reasons, those proposals shall be reported  
31 to the chairs of the house and senate finance committees.

32           (c) Any project approval granted prior to the adoption of the school construction  
33 regulations in 2007, and which are currently inactive; and any project approval granted prior to the  
34 adoption of the school construction regulations in 2007 which did not receive voter approval or

1 which has not been previously financed, are no longer eligible for reimbursement under this  
2 chapter. The department of elementary and secondary education shall develop recommendations  
3 for further cost containment strategies in the school housing aid program.

4 (d) Beginning July 1, 2015, the council on elementary and secondary education shall  
5 approve new necessity of school construction applications on an annual basis. The department of  
6 elementary and secondary education shall develop an annual application timeline for local  
7 education agencies seeking new necessity of school construction approvals.

8 (e) Beginning July 1, 2019, no state funding shall be provided for projects in excess of ten  
9 million dollars (\$10,000,000) unless the prime contractor for the project has received  
10 prequalification from the school building authority. However, for projects commencing after July  
11 1, 2026, and for subsequent fiscal years, no state funding shall be provided for projects in excess  
12 of ten million dollars (\$10,000,000) unless the prime contractor for the project has received  
13 prequalification from the division of purchases.

14 (f) Beginning July 1, 2019, the necessity of school construction process set forth in the  
15 regulations of the council on elementary and secondary education shall include a single statewide  
16 process, developed with the consultation of the department of environmental management, that will  
17 ensure community involvement throughout the investigation and remediation of contaminated  
18 building sites for possible reuse as the location of a school. That process will fulfill all provisions  
19 of § 23-19.14-5 related to the investigation of reuse of such sites for schools.

20 (g) Beginning July 1, 2019, school housing projects exceeding one million five hundred  
21 thousand dollars (\$1,500,000) subject to inflation shall include an owner's program manager and a  
22 commissioning agent. The cost of the program manager and commissioning agent shall be  
23 considered a project cost eligible for aid pursuant to §§ 16-7-41 and 16-105-5. However, for  
24 projects completing after July 1, 2026, and subsequent fiscal years, school housing projects  
25 exceeding ten million dollars (\$10,000,000) subject to inflation shall include an owner's program  
26 manager and a commissioning agent. The cost of the program manager and commissioning agent  
27 shall not exceed three percent (3%) of total project costs and shall be considered a project cost  
28 eligible for aid pursuant to §§ 16-7-41 and 16-105-5.

29 (h) Temporary housing, or swing space, for students shall be a reimbursable expense so  
30 long as a district can demonstrate that no other viable option to temporarily house students exists  
31 and provided that use of the temporary space is time limited for a period not to exceed twenty-four  
32 (24) months and tied to a specific construction project.

33 (i) Environmental site remediation, as defined by the school building authority, shall be a  
34 reimbursable expense up to one million dollars (\$1,000,000) per project.

1 (j) If, within thirty (30) years of construction, a newly constructed school is sold to a private  
2 entity, the state shall receive a portion of the sale proceeds equal to that project's housing aid  
3 reimbursement rate at the time of project completion.

4 (k) All projects must comply with § 37-13-6, ensuring that prevailing wage laws are being  
5 followed, and § 37-14.1-6, ensuring that minority business enterprises reach the required minimum  
6 participation.

7 SECTION 4. Sections 16-7.2-3, 16-7.2-5 and 16-7.2-9 of the General Laws in Chapter 16-  
8 7.2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended to read as  
9 follows:

10 **16-7.2-3. Permanent foundation education aid established.**

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

16 (1) The core instruction amount shall be an amount equal to a statewide, per-pupil core  
17 instruction amount as established by the department of elementary and secondary education,  
18 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
19 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics  
20 (NCES) that will adequately fund the student instructional needs as described in the basic education  
21 program and multiplied by the district average daily membership as defined in § 16-7-22.  
22 Expenditure data in the following categories: instruction and support services for students,  
23 instruction, general administration, school administration, and other support services from the  
24 National Public Education Financial Survey, as published by NCES, and enrollment data from the  
25 Common Core of Data, also published by NCES, will be used when determining the core  
26 instruction amount. The core instruction amount will be updated annually. For the purpose of  
27 calculating this formula, school districts' resident average daily membership shall exclude charter  
28 school and state-operated school students.

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

31 (i) Multiplying a student success factor of forty percent (40%); provided further, for the  
32 fiscal year beginning July 1, 2026, and for subsequent fiscal years, the student success factor shall  
33 be forty-three percent (43%) by the core instruction per-pupil amount described in subsection (a)(1)  
34 of this section and applying that amount for each resident child whose family income is at or below

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

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

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

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

32 (d) Local education agencies may set aside a portion of funds received under subsection  
33 (a) to expand learning opportunities such as after school and summer programs, full-day  
34 kindergarten and/or multiple pathway programs, provided that the basic education program and all

1 other approved programs required in law are funded.

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

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

17 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to  
18 state fiscal year 2026, the department of elementary and secondary education shall develop  
19 alternatives to identify students whose family income is at or below one hundred eighty-five percent  
20 (185%) of federal poverty guidelines through participation in state-administered programs,  
21 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RItCare  
22 and other programs that include the collection of required supporting documentation. The  
23 department may also include any recommendations that seek to mitigate any disruptions associated  
24 with implementation of this new poverty measure or improve the accuracy of its calculation.

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

30 (4) By October 1, 2025, as part of its budget submission pursuant to § 35-3-4 relative to  
31 state fiscal year 2027, the department of elementary and secondary education shall submit a report  
32 developed in coordination with the department of administration and the Rhode Island longitudinal  
33 data system within the office of the postsecondary commissioner. The report shall provide an  
34 overview of the process for matching the department of human services program participation data

1 to the department of elementary and secondary education student enrollment records for use in the  
2 education funding formula and recommend methods to ensure consistency and accuracy in future  
3 matching processes.

4 (5) As part of its FY 2027 [and FY 2028](#) budget ~~submission~~ [submissions](#), the department  
5 shall also submit an estimate of foundation education aid that uses expanded direct certification  
6 with Medicaid matching in consultation with the Rhode Island longitudinal data system and the  
7 executive office of health and human services to identify students whose family income is at or  
8 below one hundred eighty-five percent (185%) of federal poverty guidelines, in addition to an  
9 estimate under the current law poverty determination.

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

14 [\(7\) By October 1, 2026, as part of its budget submission pursuant to § 35-3-4 relative to](#)  
15 [state fiscal year 2027, the department of elementary and secondary education shall, in collaboration](#)  
16 [with the office of management and budget and the division of municipal finance, submit a report](#)  
17 [comparing the funding system proposed in December 2025, by the Blue Ribbon Commission,](#)  
18 [convened by the Rhode Island Foundation, to the current system, using validated FY 2025 Uniform](#)  
19 [Chart of Accounts data. The report shall include, but not be limited to, a comparison of state and](#)  
20 [local contributions for traditional districts and charter schools using different state share](#)  
21 [percentages, recommendations for proposed weights for special education and career and technical](#)  
22 [education students, and an analysis of the statutory recommendations.](#)

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

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

1 state share of permanent foundation education aid for charter public schools delineated by school  
2 district.

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

8 (c) Beginning in FY 2017, there shall be a reduction to the local per-pupil funding paid by  
9 the district of residence to charter public schools, Davies, and the Met Center. This reduction shall  
10 be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the district of  
11 residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for non-public  
12 textbooks, transportation for non-public students, retiree health benefits, out-of-district special-  
13 education tuition and transportation, services for students age eighteen (18) to twenty-one (21)  
14 years old, pre-school screening and intervention, and career and technical education, tuition and  
15 transportation costs, debt service and rental costs minus the average expenses incurred by charter  
16 schools for those same categories of expenses as reported in the uniform chart of accounts for the  
17 prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of elementary  
18 and secondary education. In the case where audited financials result in a change in the calculation  
19 after the first tuition payment is made, the remaining payments shall be based on the most recent  
20 audited data. For those districts whose greater reduction occurs under the calculation of (ii), there  
21 shall be an additional reduction to payments to mayoral academies with teachers who do not  
22 participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per-pupil  
23 value of teacher retirement costs attributable to unfunded liability as calculated by the state's  
24 actuary for the prior preceding fiscal year. Notwithstanding the foregoing, beginning with FY 2026,  
25 the reduction to the local per-pupil funding shall not exceed fourteen percent (14%).  
26 Notwithstanding the foregoing, for FY 2027, the reduction to the local per-pupil funding shall not  
27 exceed fourteen percent (14%), other than for mayoral academies serving students from less than  
28 four local school districts which have been approved as sending districts by the department of  
29 elementary and secondary education. Notwithstanding the foregoing, beginning with FY 2028, the  
30 reduction to the local per-pupil funding shall not exceed fourteen percent (14%).

31 (d) Local district payments to charter public schools, Davies, and the Met Center for each  
32 district's students enrolled in these schools shall be made on a quarterly basis in July, October,  
33 January, and April; however, the first local-district payment shall be made by August 15, instead  
34 of July. Failure of the community to make the local-district payment for its student(s) enrolled in a

1 charter public school, Davies, and/or the Met Center may result in the withholding of state  
2 education aid pursuant to § 16-7-31.

3 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met  
4 Center enrollment, that, combined, comprise five percent (5%) or more of the average daily  
5 membership as defined in § 16-7-22, shall receive additional aid for a period of three (3) years. Aid  
6 in FY 2017 shall be equal to the number of charter public school, open-enrollment schools, Davies,  
7 or the Met Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount  
8 of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to the number of charter  
9 public school, open-enrollment schools, Davies, or the Met Center students as of the reference year  
10 as defined in § 16-7-16 times a per-pupil amount of one hundred dollars (\$100). Aid in FY 2019  
11 shall be equal to the number of charter public school, open-enrollment schools, Davies, or the Met  
12 Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount of fifty  
13 dollars (\$50.00). The additional aid shall be used to offset the adjusted fixed costs retained by the  
14 districts of residence.

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

16 **16-7.2-9. Applicability.**

17 This chapter applies to education aid for any city, town or regional school district including  
18 the Central Falls ~~state-operated~~ school district, charter schools, the William M. Davies, Jr. Career  
19 and Technical High School, and the Metropolitan Regional Career and Technical Center.  
20 Calculation and distribution of aid under §§ 16-7-20.5, 16-7.1-6, 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-  
21 7.1-11, 16-7.1-11.1, 16-7.1-12, 16-7.1-15, 16-7.1-16, 16-7.1-17, 16-7.1-18, 16-7.1-19, 16-67-4,  
22 and 16-77.1-2 is hereby suspended effective July 1, 2011, until further action by the general  
23 assembly. Aid under this chapter will be paid pursuant to § 16-7-17, except that aid to the Central  
24 Falls ~~state-operated~~ school district and charter schools, Davies, and the Met Center pursuant to §  
25 16-7.2-5 shall be paid in twelve (12) equal installments on the first of each month.

26 SECTION 5. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by  
27 adding thereto the following chapter:

28 CHAPTER 54.1

29 THE SUPPORT AND ACCESS TO BILINGUAL EDUCATION ACT

30 **16-54.1-1. Short title.**

31 This chapter shall be known and may be cited as "The Support and Access to Bilingual  
32 Education Act."

33 **16-54.1-2. Definitions.**

34 For the purposes of this chapter:

1           (1) “Bilingual dual language teacher”, or “BDL teacher,” means a teacher who provides  
2 integrated language and content instruction in a partner language only or in a partner language and  
3 in English, appropriate to the instructional program model they teach in, and holds the appropriate  
4 certification pursuant to regulation 200-RICR-20-20-1.

5           (2) “Bilingual language instruction program model” or “Bilingual education program  
6 model” is an approach that serves multilingual learners at all stages of English language  
7 development and who share a common home/native language. The goal of this approach is  
8 proficiency and literacy in English and a partner language, as well as content achievement in both  
9 English and a partner language. Instruction is provided in both English and home/native or partner  
10 language. The bilingual education approach consists of dedicated English language development  
11 and integrated language and content instruction components and can be structured in any of the  
12 instructional program models as defined by 200-RICR-20-30-3.

13           (3) “Department” means the department of elementary and secondary education.

14           (4) “Eligible teacher” means a full-time teacher certified to teach in a kindergarten through  
15 grade twelve (K-12) school by the department of elementary and secondary education and is  
16 actively teaching within a public school with a high-incidence of multilingual learners in  
17 accordance with regulation 200-RICR-20-30-3.

18           (5) “High incidence of multilingual learners” means a local educational agency with a  
19 multilingual learners student population that meets at least one of the following two (2) criteria: (i)  
20 Is greater than or equal to two hundred and fifty (250) total multilingual learners; or (ii) Is greater  
21 than or equal to twenty percent (20%) of the local educational agency's total student population  
22 pursuant to the Rhode Island regulations governing the education of multilingual learners (200-  
23 RICR-20-30-3).

24           (6) “Local education agency” or “LEA” shall have the same meaning as defined in § 16-  
25 92-3.

26           (7) “Multilingual individual” means an individual who has demonstrated advanced low or  
27 higher proficiency in the target language of certification in accordance with the American Council  
28 on the Teaching of Foreign Languages (ACTFL) proficiency scale through any of the approved  
29 seal of biliteracy language proficiency assessments including, but not limited to: ACT, SAT,  
30 advanced placement (English language and composition, English literature and composition, and  
31 world language), ACCESS, LAS Links (Form C/D), AAPPL, STAMP 4S, and ASLPI.

32           (8) “Qualifying languages” means the most common languages other than English spoken  
33 in the local education agency according to the U.S. Census Bureau and department data sources.

34           (9) “State” means the State of Rhode Island.

1           (10) "World language educator" means a person who is certified by the department of  
2 elementary and secondary education as an all grades world language teacher in accordance with  
3 regulation 200-RICR-20-20-1.

4           **16-54.1-3. Support and access to bilingual education act fund authorized.**

5           (a) The department shall establish and maintain a bilingual education support fund to  
6 provide grants to traditional public school districts that establish and expand bilingual language  
7 instruction program models; community-based organizations in collaboration with traditional  
8 public school districts that establish and expand bilingual language instruction program models; or  
9 institutions of higher education in partnership with traditional public school districts that establish  
10 and expand bilingual language instruction program models.

11           (b) The fund shall consist of:

12           (1) Appropriations made by the general assembly pursuant to this section;

13           (2) Charitable contributions to the fund; and

14           (3) Other sources deemed appropriate by the department.

15           **16-54.1-4. Implementation of traditional public school district dual language**  
16 **programs.**

17           (a) Eligibility for applicants shall be a minimum of one the following:

18           (1) A traditional public school district within the state;

19           (2) A community-based organization working in partnership with one or more traditional  
20 public school district(s) within the state; or

21           (3) An institution of higher education (IHE) working in partnership with one or more  
22 traditional public school district(s) within the state.

23           (b) An applicant may be eligible to receive a grant pursuant to the provisions of this chapter  
24 if:

25           (1) The traditional public school district uses or is planning to create a high-quality  
26 bilingual language instruction program model in accordance with chapter 54 of title 16 (“education  
27 of limited English proficient students”) and in accordance with regulations promulgated pursuant  
28 thereto.

29           (2) The LEA has a high incidence of multilingual learners as defined in 200-RICR-20-30-  
30 3. For purposes of this section, the qualifying language(s) of instruction, in addition to English,  
31 shall be determined based on the predominant home language(s) of the multilingual learner (MLL)  
32 student population.

33           (3) The LEA develops and commits to an immediate or gradual staffing plan to support the  
34 kindergarten through grade twelve (K-12) dual language program.

1 (c) Traditional public school districts are encouraged to leverage existing funds including  
2 the state share of the MLL funding formula distribution and federal funds.

3 (d) Traditional public school district, community-based organization, and institution of  
4 higher education recipients funded pursuant to § 16-54.1-3, shall utilize such monies for dual  
5 language program planning and implementation activities including, but not limited to:

6 (1) Partnering with education professionals and organizations to design programs;

7 (2) Developing and executing professional development for administrators and instructors;

8 or

9 (3) Traditional public school districts self-evaluation program planning and  
10 implementation of staffing needs including, but not limited to:

11 (i) Providing financial support for bilingual dual language and world language teacher  
12 certification;

13 (ii) Providing in-service educator dual language professional development;

14 (iii) Procuring high-quality curricular materials to enhance dual language instruction; and

15 (iv) Other activities designed to facilitate or promote the LEA's existing or emerging dual  
16 language programs.

17 (e) Only programs that adhere to high quality dual language program standards shall be  
18 funded.

19 **16-54.1-5. Strategy and support to expand teaching certifications for bilingual dual**  
20 **language and world language teachers.**

21 (a) The department shall collaborate with the office of the postsecondary commissioner,  
22 and in consultation with any approved educator preparation program, to increase and streamline  
23 the issuance of world language and bilingual dual language certifications for purposes of increasing  
24 the number of bilingual dual language and world language teachers in LEAs with a high incidence  
25 of multilingual learners as defined in 200-RICR-20-30-3.

26 (b) Eligibility for applicants shall be at a minimum one of the following:

27 (1) A traditional public school district within the state;

28 (2) A community-based organization working in partnership with one or more traditional  
29 public school district(s) within the state; or

30 (3) An institution of higher education (IHE) working in partnership with one or more  
31 traditional public school district(s) within the state.

32 (c) An applicant may be eligible to receive a grant pursuant to the provisions of this chapter  
33 if:

34 (1) Support for teacher certification costs are granted to multilingual individuals who plan

1 to teach in a traditional public school district and use, or is planning to create, a high-quality  
2 bilingual language instruction program model in accordance with chapter 54 of title 16 (“education  
3 of limited English proficient students”) and further in accordance with regulations promulgated  
4 pursuant thereto;

5 (2) The LEA has a high incidence of multilingual learners as defined in 200-RICR-20-30-  
6 3; or

7 (3) The qualifying language(s) of instruction, in addition to English, shall be determined  
8 based on the predominant home language(s) of the multilingual learner student population.

9 SECTION 6. Section 16-105-3 of the General Laws in Chapter 16-105 entitled "School  
10 Building Authority" is hereby amended to read as follows:

11 **16-105-3. Roles and responsibilities.**

12 The school building authority roles and responsibilities shall include:

13 (1) Management of a system with the goal of ensuring equitable and adequate school  
14 housing for all public school children in the state;

15 (2) Prevention of the cost of school housing from interfering with the effective operation  
16 of the schools;

17 (3) Management of school housing aid in accordance with statute;

18 (4) Reviewing and making recommendations to the council on elementary and secondary  
19 education on necessity of school construction applications for state school housing aid and the  
20 school building authority capital fund, based on the recommendations of the school building  
21 authority advisory board;

22 (5) Promulgating, managing, and maintaining school construction regulations, standards,  
23 and guidelines applicable to the school housing program, based on the recommendations of the  
24 school building authority advisory board, created in § 16-105-8. Said regulations shall require  
25 conformance with the minority business enterprise requirements set forth in § 37-14.1-6;

26 ~~(6) Developing a prequalification and review process for prime contractors, architects, and~~  
27 ~~engineers seeking to bid on projects in excess of ten million dollars (\$10,000,000) in total costs~~  
28 ~~subject to inflation. Notwithstanding any general laws to the contrary, a prequalification shall be~~  
29 ~~valid for a maximum of two (2) years from the date of issuance. Factors to be considered by the~~  
30 ~~school building authority in granting a prequalification to prime contractors shall include, but not~~  
31 ~~be limited to, the contractor’s history of completing complex projects on time and on budget, track~~  
32 ~~record of compliance with applicable environmental and safety regulations, evidence that~~  
33 ~~completed prior projects prioritized the facility’s future maintainability, and compliance with~~  
34 ~~applicable requirements for the use of women and minority owned subcontractors;~~

1 ~~(i) At least annually, a list of prequalified contractors, architects, and engineers shall be~~  
2 ~~publicly posted with all other program information;~~

3 (7) Providing technical assistance and guidance to school districts on the necessity of  
4 school construction application process;

5 (8) Providing technical advice and assistance, training, and education to cities, towns,  
6 and/or local education agencies and to general contractors, subcontractors, construction or project  
7 managers, designers and others in planning, maintenance, and establishment of school facility  
8 space;

9 (9) Developing a project priority system, based on the recommendations of the school  
10 building authority advisory board, in accordance with school construction regulations for the school  
11 building authority capital fund, subject to review and, if necessary, to be revised on intervals not to  
12 exceed five (5) years. Project priorities shall include, but not be limited to, the following order of  
13 priorities:

14 (i) Projects to replace or renovate a building that is structurally unsound or otherwise in a  
15 condition seriously jeopardizing the health and safety of school children where no alternative exists;

16 (ii) Projects needed to prevent loss of accreditation;

17 (iii) Projects needed for the replacement, renovation, or modernization of the HVAC  
18 system in any schoolhouse to increase energy conservation and decrease energy-related costs in  
19 said schoolhouse;

20 (iv) Projects needed to replace or add to obsolete buildings in order to provide for a full  
21 range of programs consistent with state and approved local requirements; and

22 (v) Projects needed to comply with mandatory, instructional programs;

23 (10) Maintaining a current list of requested school projects and the priority given them;

24 (11) Collecting and maintaining readily available data on all the public school facilities in  
25 the state;

26 (12) Collecting, maintaining, and making publicly available quarterly progress reports of  
27 all ongoing school construction projects that shall include, at a minimum, the costs of the project  
28 and the time schedule of the project;

29 (13) Recommending policies and procedures designed to reduce borrowing for school  
30 construction programs at both state and local levels;

31 (14) At least every five (5) years, conducting a needs survey to ascertain the capital  
32 construction, reconstruction, maintenance, and other capital needs for schools in each district of the  
33 state, including public charter schools;

34 (15) Developing a formal enrollment projection model or using projection models already

1 available;

2 (16) Encouraging local education agencies to investigate opportunities for the maximum  
3 utilization of space in and around the district;

4 (17) Collecting and maintaining a clearinghouse of prototypical school plans that may be  
5 consulted by eligible applicants;

6 (18) Retaining the services of consultants, as necessary, to effectuate the roles and  
7 responsibilities listed within this section;

8 (19) No district shall receive a combined total of more than twenty (20) incentive  
9 percentage points for projects that commence construction by December 30, 2023, and five (5)  
10 incentive points for projects that commence construction thereafter; provided further, these caps  
11 shall be in addition to amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2). Furthermore, a  
12 district's share shall not be decreased by more than half of its regular share irrespective of the  
13 number of incentive points received, nor shall a district's state share increase by more than half of  
14 its regular share, including amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2), irrespective  
15 of the number of incentive points received. Notwithstanding any provision of the general laws to  
16 the contrary, the reimbursement or aid received under this chapter or chapter 38.2 of title 45 shall  
17 not exceed one hundred percent (100%) of the sum of the total project costs plus interest costs. If  
18 a two hundred and fifty million dollar (\$250,000,000) general obligation bond is approved on the  
19 November 2018 ballot, projects approved between May 1, 2015, and January 1, 2018, are eligible  
20 to receive incentive points (above and beyond what the project was awarded at the time of approval)  
21 pursuant to § 16-7-39 and § 16-7-40. Provided, however, any project approved during this time  
22 period with a project cost in excess of one million five hundred thousand dollars (\$1,500,000),  
23 which does not include an owner's program manager and a commissioning agent, shall only be  
24 eligible to receive five (5) incentive points. Incentive points awarded pursuant to the provisions of  
25 this subsection shall only be applied to reimbursements occurring on or after July 1, 2018. Any  
26 project approved between May 1, 2015, and January 1, 2018, that is withdrawn and/or resubmitted  
27 for approval shall not be eligible for any incentive points.

28 SECTION 7. Section 16-107-6 of the General Laws in Chapter 16-107 entitled "Rhode  
29 Island Promise Scholarship" is hereby amended to read as follows:

30 **16-107-6. Eligibility for scholarship.**

31 (a) Beginning with the students who enroll at the community college of Rhode Island in  
32 the fall of 2017, to be considered for the scholarship, a student:

33 (1) Must qualify for in-state tuition and fees pursuant to the residency policy adopted by  
34 the council on postsecondary education, as amended, supplemented, restated, or otherwise modified

1 from time to time (“residency policy”); provided, that, the student must have satisfied the high  
2 school graduation/equivalency diploma condition prior to reaching nineteen (19) years of age;  
3 provided, further, that in addition to the option of meeting the requirement by receiving a high  
4 school equivalency diploma as described in the residency policy, the student can satisfy the  
5 condition by receiving other certificates or documents of equivalent nature from the state or its  
6 municipalities as recognized by applicable regulations promulgated by the council on elementary  
7 and secondary education;

8 (2) Must be admitted to, and must enroll and attend the community college of Rhode Island  
9 on a full-time basis by the semester immediately following high school graduation or the semester  
10 immediately following receipt of a high school equivalency diploma;

11 (3) Must complete the FAFSA and any required FAFSA verification, or for persons who  
12 are legally unable to complete the FAFSA must complete a comparable form created by the  
13 community college of Rhode Island, by the deadline prescribed by the community college of Rhode  
14 Island for each year in which the student seeks to receive funding under the scholarship program;

15 (4) Must continue to be enrolled on a full-time basis;

16 (5) Must maintain an average annual cumulative grade point average (GPA) of 2.5 or  
17 greater, as determined by the community college of Rhode Island;

18 (6) Must remain on track to graduate on time as determined by the community college of  
19 Rhode Island;

20 (7) Must not have already received an award under this scholarship program; and

21 (8) Must commit to live, work, or continue their education in Rhode Island after graduation.

22 The community college of Rhode Island shall develop a policy that will secure this  
23 commitment from recipient students.

24 (b) Notwithstanding the eligibility requirements under subsection (a) of this section  
25 (“specified conditions”):

26 (1) In the case of a recipient student who has an approved medical or personal leave of  
27 absence or is unable to satisfy one or more specified conditions because of the student’s medical  
28 or personal circumstances, the student may continue to receive an award under the scholarship  
29 program upon resuming the student’s education so long as the student continues to meet all other  
30 applicable eligibility requirements;

31 (2) In the case of a recipient student who is a member of the national guard or a member  
32 of a reserve unit of a branch of the United States military and is unable to satisfy one or more  
33 specified conditions because the student is or will be in basic or special military training, or is or  
34 will be participating in a deployment of the student’s guard or reserve unit, the student may continue

1 to receive an award under the scholarship program upon completion of the student's basic or special  
2 military training or deployment; ~~and~~

3 (3) Any student with a disability, otherwise eligible for a scholarship pursuant to the  
4 provisions of this section, as of May 15, 2021, shall be entitled to access this program and shall be  
5 afforded all reasonable accommodations, as required by the ADA and the Rehabilitation Act of  
6 1973, including, but not limited to, enrolling on a part-time basis, attaining a high school  
7 diploma/GED by age twenty-one (21), and taking longer than two (2) years to graduate with an  
8 associate's degree;

9 (4) Any student who enrolled in a postsecondary institution by the semester immediately  
10 following high school graduation or the semester immediately following receipt of a high school  
11 equivalency diploma and remained in the institution for only up to one semester may enroll and  
12 attend the community college of Rhode Island in the semester immediately following and qualify  
13 for the scholarship pursuant to this section; and

14 (5) Any student may defer initial enrollment for one semester at the community college of  
15 Rhode Island for the semester immediately following high school graduation or the semester  
16 immediately following receipt of a high school equivalency diploma with an approved written  
17 request and reason and qualifies for the scholarship pursuant to this section.

18 SECTION 8. Sections 16-113-7 and 16-113-10 of the General Laws in Chapter 16-113  
19 entitled "Rhode Island Hope Scholarship Pilot Program Act" are hereby amended to read as  
20 follows:

21 **16-113-7. Reporting and disbursement.**

22 (a) On or before November 10, 2023, and on or before November 10 and May 10 thereafter  
23 for every year through and including calendar year 2030, Rhode Island college shall submit a report  
24 to the director of the office of management and budget, the state budget officer, the house fiscal  
25 advisor, the senate fiscal advisor, the commissioner of postsecondary education, and the chair of  
26 the council on postsecondary education, detailing the following:

27 (1) The number of students eligible to participate in the scholarship program;

28 (2) The amount of federal and institutional financial aid anticipated to be received by  
29 recipient students;

30 (3) The aggregate tuition and mandatory fee costs attributable to recipient students;

31 (4) The resulting total cost of the scholarship program to the state; and

32 (5) The report shall contain such data for both the current fiscal year and the most up-to-  
33 date forecast for the following fiscal year. Data reported shall be subdivided by student-year cohort  
34 and shall be accompanied by a written explanation detailing the estimating methodology utilized

1 and any impact(s) the forecasted data may present to institutional capacity, operational costs, and  
2 the tuition/fee revenue base of the institution.

3 (b) On or before July 1, ~~2030~~ 2028, Rhode Island college and the commissioner of  
4 postsecondary education shall submit a report evaluating the program based on all cohorts to the  
5 governor, speaker of the house, and the president of the senate. This evaluation shall include the  
6 following:

7 (1) The number of students who started in each cohort;

8 (2) The number of students in each cohort who have attained a degree or certification in an  
9 on-time manner;

10 (3) The number of students in each cohort who have not attained a degree or certification  
11 in an on-time manner and an analysis of why that has happened;

12 (4) The number of students in each cohort who began the program but have been unable to  
13 continue or complete the program and an analysis of why that has happened;

14 (5) The costs of the program and the costs of continuing the program;

15 (6) Suggestions for ways to increase the success of the program;

16 (7) Recommendations as to modifying, continuing, expanding, curtailing, or discontinuing  
17 the program; and

18 (8) Any such other recommendations or information as Rhode Island college and the  
19 commissioner of postsecondary education deem appropriate to include in the evaluation.

20 (c) The office of management and budget, in consultation with the office of the  
21 postsecondary commissioner, shall oversee the apportionment and disbursement of all funds  
22 appropriated for the purpose of the scholarship program.

23 **16-113-10. Funding of and sunset of pilot program.**

24 The Rhode Island hope scholarship pilot program shall be funded from July 1, 2023,  
25 through and including June 30, ~~2030~~ 2033. There shall be no further funding of the pilot program  
26 without further action of the general assembly. Any final reports due pursuant to this chapter shall  
27 be filed pursuant to the dates set forth herein.

28 SECTION 9. Section 44-5-2 of the General Laws in Chapter 44-5 entitled "Levy and  
29 Assessment of Local Taxes" is hereby amended to read as follows:

30 **44-5-2. Maximum levy.**

31 (a) Through and including its fiscal year 2007, a city or town may levy a tax in an amount  
32 not more than five and one-half percent (5.5%) in excess of the amount levied and certified by that  
33 city or town for the prior year. Through and including its fiscal year 2007, but in no fiscal year  
34 thereafter, the amount levied by a city or town is deemed to be consistent with the five and one-

1 half percent (5.5%) levy growth cap if the tax rate is not more than one hundred and five and one-  
2 half percent (105.5%) of the prior year's tax rate and the budget resolution or ordinance, as  
3 applicable, specifies that the tax rate is not increasing by more than five and one-half percent (5.5%)  
4 except as specified in subsection (c) of this section. In all years when a revaluation or update is not  
5 being implemented, a tax rate is deemed to be one hundred five and one-half percent (105.5%) or  
6 less of the prior year's tax rate if the tax on a parcel of real property, the value of which is unchanged  
7 for purpose of taxation, is no more than one hundred five and one-half percent (105.5%) of the  
8 prior year's tax on the same parcel of real property. In any year through and including fiscal year  
9 2007 when a revaluation or update is being implemented, the tax rate is deemed to be one hundred  
10 five and one-half percent (105.5%) of the prior year's tax rate as certified by the division of property  
11 valuation and municipal finance in the department of revenue.

12 (b) In its fiscal year 2008, a city or town may levy a tax in an amount not more than five  
13 and one-quarter percent (5.25%) in excess of the total amount levied and certified by that city or  
14 town for its fiscal year 2007. In its fiscal year 2009, a city or town may levy a tax in an amount not  
15 more than five percent (5%) in excess of the total amount levied and certified by that city or town  
16 for its fiscal year 2008. In its fiscal year 2010, a city or town may levy a tax in an amount not more  
17 than four and three-quarters percent (4.75%) in excess of the total amount levied and certified by  
18 that city or town in its fiscal year 2009. In its fiscal year 2011, a city or town may levy a tax in an  
19 amount not more than four and one-half percent (4.5%) in excess of the total amount levied and  
20 certified by that city or town in its fiscal year 2010. In its fiscal year 2012, a city or town may levy  
21 a tax in an amount not more than four and one-quarter percent (4.25%) in excess of the total amount  
22 levied and certified by that city or town in its fiscal year 2011. In its fiscal year 2013 and in each  
23 fiscal year thereafter, a city or town may levy a tax in an amount not more than four percent (4%)  
24 in excess of the total amount levied and certified by that city or town for its previous fiscal year.  
25 For purposes of this levy calculation, taxes levied pursuant to chapters 34 and 34.1 of this title shall  
26 not be included. For FY 2018, in the event that a city or town, solely as a result of the exclusion of  
27 the motor vehicle tax in the new levy calculation, exceeds the property tax cap when compared to  
28 FY 2017 after taking into account that there was a motor vehicle tax in FY 2017, said city or town  
29 shall be permitted to exceed the property tax cap for the FY 2018 transition year, but in no event  
30 shall it exceed the four percent (4%) levy cap growth with the car tax portion included; provided,  
31 however, nothing herein shall prohibit a city or town from exceeding the property tax cap if  
32 otherwise permitted pursuant to subsection (d) of this section.

33 (c) The division of property valuation in the department of revenue shall monitor city and  
34 town compliance with this levy cap, issue periodic reports to the general assembly on compliance,

1 and make recommendations on the continuation or modification of the levy cap on or before  
2 December 31, 1987, December 31, 1990, and December 31, every third year thereafter. The chief  
3 elected official in each city and town shall provide to the division of property and municipal finance  
4 within thirty (30) days of final action, in the form required, the adopted tax levy and rate and other  
5 pertinent information.

6 (d) The amount levied by a city or town may exceed the percentage increase as specified  
7 in subsection (a) or (b) of this section if the city or town qualifies under one or more of the following  
8 provisions:

9 (1) The city or town forecasts or experiences a loss in total non-property tax revenues and  
10 the loss is certified by the department of revenue.

11 (2) The city or town experiences or anticipates an emergency situation, which causes or  
12 will cause the levy to exceed the percentage increase as specified in subsection (a) or (b) of this  
13 section. In the event of an emergency or an anticipated emergency, the city or town shall notify the  
14 auditor general who shall certify the existence or anticipated existence of the emergency. Without  
15 limiting the generality of the foregoing, an emergency shall be deemed to exist when the city or  
16 town experiences or anticipates health insurance costs, retirement contributions, or utility  
17 expenditures that exceed the prior fiscal year's health insurance costs, retirement contributions, or  
18 utility expenditures by a percentage greater than three (3) times the percentage increase as specified  
19 in subsection (a) or (b) of this section.

20 (3) A city or town forecasts or experiences debt services expenditures that exceed the prior  
21 year's debt service expenditures by an amount greater than the percentage increase as specified in  
22 subsection (a) or (b) of this section and that are the result of bonded debt issued in a manner  
23 consistent with general law or a special act. In the event of the debt service increase, the city or  
24 town shall notify the department of revenue which shall certify the debt service increase above the  
25 percentage increase as specified in subsection (a) or (b) of this section the prior year's debt service.  
26 No action approving or disapproving exceeding a levy cap under the provisions of this section  
27 affects the requirement to pay obligations as described in subsection (d) of this section.

28 (4) The city or town experiences substantial growth in its tax base as the result of major  
29 new construction that necessitates either significant infrastructure or school housing expenditures  
30 by the city or town or a significant increase in the need for essential municipal services and such  
31 increase in expenditures or demand for services is certified by the department of revenue.

32 (5) In the city of Providence, for fiscal year 2026, any additional revenue generated from  
33 the Class 2B rate exceeding twenty-eight dollars and eighty cents (\$28.80) per one thousand dollars  
34 (\$1,000) may exceed the maximum levy. For the purposes of this subsection, "Class 2A" and "Class

1 2B" shall have the same meaning as in § 44-5-11.18(1)(ii).

2 (6) Effective for tax assessment dated on or after December 31, 2025, and subject to all  
3 requirements set forth in this section, the taxes levied on new housing units added to the municipal  
4 tax base during a fiscal year may exceed the maximum levy. For the purposes of this subsection,  
5 subject to the qualifying requirements below, new housing units shall include newly constructed  
6 residential properties, meaning single-family homes, two-family homes, single-family attached  
7 structures, multi-family dwellings, mixed-use developments where residential units constitute at  
8 least fifty percent (50%) of the building's total square footage as well as existing buildings  
9 converted into residential housing units qualifying under adaptive reuse in § 45-24-37; provided  
10 such conversions meet all applicable zoning and building code requirements and increase the  
11 municipality's total housing stock. New construction shall also include modular and manufactured  
12 homes. This provision shall apply provided that:

13 (i) A city or town has issued over ten (10) certificates of occupancy for new housing units  
14 during the fiscal year in which the exemption is sought; and

15 (ii) Such units are part of a development project that includes at least ten percent (10%) of  
16 the units designated as low- or moderate-income housing as defined in §§ 45-53-3 and 42-128-8.1;  
17 and

18 (iii) Such units are taxed utilizing the same valuation methods and rates as similar units in  
19 the respective city or town; and

20 (iv) The taxes levied on these qualifying new housing units may only exceed the maximum  
21 levy for the fiscal year in which the certificate of occupancy is issued and two (2) fiscal years  
22 thereafter in which the municipality shall phase in the full taxes for these units into the maximum  
23 levy by the fourth fiscal year following the issuance of a certificate of occupancy for the new  
24 housing unit(s).

25 (e) Any levy pursuant to subsection (d) of this section in excess of the percentage increase  
26 specified in subsection (a) or (b) of this section shall be approved by the affirmative vote of at least  
27 four-fifths (4/5) of the full membership of the governing body of the city or town, or in the case of a  
28 city or town having a financial town meeting, the majority of the electors present and voting at the  
29 town financial meeting shall also approve the excess levy.

30 (f) Nothing contained in this section constrains the payment of present or future obligations  
31 as prescribed by § 45-12-1, and all taxable property in each city or town is subject to taxation  
32 without limitation as to rate or amount to pay general obligation bonds or notes of the city or town  
33 except as otherwise specifically provided by law or charter.

34 (g) Notwithstanding anything to the contrary, the town of Little Compton is permitted a

1 one-year levy cap exemption for fiscal year 2026 not to exceed twelve percent (12%), and subject  
2 to approval by the Little Compton Financial Town Meeting.

3 (h) Notwithstanding anything to the contrary, the City of Providence is permitted a one-  
4 year levy cap exemption for fiscal year 2026 not to exceed eight percent (8%).

5 (i) Notwithstanding anything to the contrary, the city of Central Falls, in fiscal years 2027  
6 and thereafter, may levy an amount in excess of the percentage increase as specified in subsection  
7 (a) or (b) of this section if it requires additional revenue to fulfill its obligation to contribute the  
8 amount required by § 16-7-23.3 and such need is certified by the department of revenue.

9 SECTION 10. Section 45-38.2-2 of the General Laws in Chapter 45-38.2 entitled "School  
10 Building Authority Capital Fund" is hereby amended to read as follows:

11 **45-38.2-2. School building authority capital fund.**

12 (a) There is hereby established a school building authority capital fund. The corporation  
13 shall establish and set up on its books the fund, to be held in trust and to be administered by the  
14 corporation as provided in this chapter. This fund shall be in addition to the annual appropriation  
15 for committed expenses related to the repayment of housing aid commitments. The corporation  
16 shall deposit the following monies into the fund:

17 (1) ~~The difference between the annual housing aid appropriation and housing aid~~  
18 ~~commitment amounts appropriated or designated to the corporation by the state for the purposes of~~  
19 ~~the foundation program for school housing; provided that for FY 2019 and FY 2020 that amount~~  
20 ~~shall be used for technical assistance to districts pursuant to § 16-105-3(7);~~

21 (2) Loan repayments, bond refinance interest savings, and other payments received by the  
22 corporation pursuant to loan or financing agreements with cities, towns, or local education agencies  
23 executed in accordance with this chapter;

24 (3) Investment earnings on amounts credited to the fund;

25 (4) Proceeds of bonds of the corporation issued in connection with this chapter to the extent  
26 required by any trust agreement for such bonds;

27 (5) Administrative fees levied by the corporation, with respect to financial assistance  
28 rendered under this chapter and specified in § 45-38.2-3(a)(4), less operating expenses;

29 (6) Other amounts required by provisions of this chapter or agreement, or any other law or  
30 any trust agreement pertaining to bonds to be credited to the fund; and

31 (7) Any other funds permitted by law which the corporation in its discretion shall determine  
32 to credit thereto.

33 (b) The corporation shall establish and maintain fiscal controls and accounting procedures  
34 conforming to generally accepted government accounting standards sufficient to ensure proper

1 accounting for receipts in and disbursements from the school building authority capital fund.

2 (c) The school building authority shall establish and maintain internal controls to ensure  
3 that local education agencies are providing adequate asset protection plans, all local education  
4 agencies have equal access and opportunity to address facility improvements on a priority basis,  
5 and to ensure that funding from the school building authority capital fund has the greatest impact  
6 on facility gaps in state priority areas. The school building authority will also manage necessity of  
7 school construction approvals in accordance with the funding levels set forth by the general  
8 assembly.

9 SECTION 11. This article shall take effect upon passage, except sections 3, 4, 5, and 6  
10 which shall be effective July 1, 2026 and except Section 10 which shall take effect retroactively as  
11 of July 1, 2025.