

1 **ARTICLE 7**

2 **RELATING TO EDUCATION**

3 SECTION 1. Section 16-7.2-3 and 16-7.2-5 of the General Laws in Chapter 16-7.2 entitled
4 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

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

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

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

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

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

1 application of the student success factor, in calculations pursuant to § 16-7.2-4 related to the
2 calculation of the state share ratio, and in the formulation of estimates pursuant to subsection (b)
3 below. The department may also include any recommendations which seek to mitigate any
4 disruptions associated with the implementation of this new poverty measure or improve the
5 accuracy of its calculation. Beginning with the FY 2024 calculation, students whose family income
6 is at or below one hundred eighty-five percent (185%) of federal poverty guidelines will be
7 determined by participation in the supplemental nutrition assistance program (SNAP). The number
8 of students directly certified through the department of human services shall be multiplied by a
9 factor of 1.6. Beginning with the FY 2026 calculation, three percent (3%) shall be added to the
10 student success factor for those districts with poverty status at or above sixty percent as determined
11 in § 16-7.2-4(a); and

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

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

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

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

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

34 (f)(1) By October 1, 2023, as part of its budget submission pursuant to § 35-3-4 relative to

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

13 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to
14 state fiscal year 2026, the department of elementary and secondary education shall develop
15 alternatives to identify students whose family income is at or below one hundred eighty-five percent
16 (185%) of federal poverty guidelines through participation in state-administered programs,
17 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RiteCare
18 and other programs that include the collection of required supporting documentation. The
19 department may also include any recommendations that seek to mitigate any disruptions associated
20 with implementation of this new poverty measure or improve the accuracy of its calculation.

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

26 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**
27 **High School, and the Metropolitan Regional Career and Technical Center.**

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

1 schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall be calculated using the state-
2 share ratio of the district of residence of the student as set forth in § 16-7.2-4. The department of
3 elementary and secondary education shall provide the general assembly with the calculation of the
4 state share of permanent foundation education aid for charter public schools delineated by school
5 district.

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

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

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

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

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

14 SECTION 2. Section 16-77.4-1 of the General Laws in Chapter 16-77.4 entitled " Mayoral
15 Academies " is hereby amended to read as follows:

16 **16-77.4-1. Entities eligible to apply to become, or for the expansion of, a mayoral**
17 **academy.**

18 (a) A "mayoral academy" means a charter school created by a mayor of any city or town
19 within the State of Rhode Island, acting by, or through, a nonprofit organization established for
20 said purpose (regardless of the time said nonprofit organization is in existence), that enrolls students
21 from more than one city or town, including both urban and non-urban communities, and that offers
22 an equal number of enrollments to students on a lottery basis; provided, further, that such mayoral
23 academies shall have a [founding](#) board of trustees or directors that is comprised of representatives
24 from each included city or town and is chaired by a mayor of an included city or town. The mayor
25 from each city or town, or in the absence of a mayor, the city or town council via a resolution or
26 ordinance, shall approve the participation in the mayoral academy's catchment area for a proposed
27 charter or an amendment to a charter for expansion. [Upon completion of a first charter term and an](#)
28 [approved renewal, any member may be elected by the board to be the chair.](#) For purposes of this
29 chapter, the term "mayor" shall include any elected town administrator.

30 (b) No child shall be required to attend a mayoral academy, nor shall any teacher be
31 required to teach in a mayoral academy. The school committee of the district in which a mayoral
32 academy is located shall make accommodations to facilitate the transfer of students who do not
33 wish to participate in a mayoral academy into other public schools. It shall also make
34 accommodations for those students who wish to transfer into the mayoral academy as space

1 permits. If the total number of students who are eligible to attend and apply to a mayoral academy
2 is greater than the number of spaces available, the mayoral academy shall conduct a lottery to
3 determine which students shall be admitted.

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