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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT

Introduced By: Representatives Felix, Henries, Morales, Batista, Hull, Tanzi, J.
Lombardi, Kislak, Potter, and Cruz

Date Introduced: March 04, 2024

Referred To: House Finance

It is enacted by the General Assembly as follows:

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

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

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

9 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-
10 instruction amount as established by the department of elementary and secondary education,
11 derived from the average of northeast regional expenditure data for the states of Rhode Island,
12 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics
13 (NCES) that will adequately fund the student instructional needs as described in the basic education
14 program and multiplied by the district average daily membership as defined in § 16-7-22.
15 Expenditure data in the following categories: instruction and support services for students,
16 instruction, general administration, school administration, and other support services from the
17 National Public Education Financial Survey, as published by NCES, and enrollment data from the
18 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~~ Multiplying a student success factor of forty percent (40%) by the core
7 instruction per-pupil amount described in subdivision (a)(1) 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 student success factor of twenty-five percent (25%) 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 as a multilingual learner, as defined by regulations of the council
27 on elementary and secondary education, and applying that amount for each resident child whose
28 family income is at or below one hundred eighty-five percent (185%) of federal poverty guidelines.

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

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

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

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

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

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

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

33 **16-7.2-6. Categorical programs, state funded expenses.**

34 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the permanent

1 foundation education-aid program shall provide direct state funding for:

2 (a) Excess costs associated with special education students. Excess costs are defined when
3 an individual special education student’s cost shall be deemed to be “extraordinary.” Extraordinary
4 costs are those educational costs that exceed the state-approved threshold based on an amount
5 above four times the core foundation amount (total of core-instruction amount plus student success
6 amount). The department of elementary and secondary education shall prorate the funds available
7 for distribution among those eligible school districts if the total approved costs for which school
8 districts are seeking reimbursement exceed the amount of funding appropriated in any fiscal year;
9 and the department of elementary and secondary education shall also collect data on those
10 educational costs that exceed the state-approved threshold based on an amount above two (2), three
11 (3), and five (5) times the core-foundation amount;

12 (b) Career and technical education costs to help meet initial investment requirements
13 needed to transform existing, or create new, comprehensive, career and technical education
14 programs and career pathways in critical and emerging industries and to help offset the higher-
15 than-average costs associated with facilities, equipment maintenance and repair, and supplies
16 necessary for maintaining the quality of highly specialized programs that are a priority for the state.
17 The department shall develop criteria for the purpose of allocating any and all career and technical
18 education funds as may be determined by the general assembly on an annual basis. The department
19 of elementary and secondary education shall prorate the funds available for distribution among
20 those eligible school districts if the total approved costs for which school districts are seeking
21 reimbursement exceed the amount of funding available in any fiscal year;

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

25 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure
26 that appropriate funding is available to support their students. Additional support for Central Falls
27 is needed due to concerns regarding the city’s capacity to meet the local share of education costs.
28 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs outside
29 the permanent foundation education-aid formula, including, but not limited to, transportation,
30 facility maintenance, and retiree health benefits shall be shared between the state and the city of
31 Central Falls. The fund shall be annually reviewed to determine the amount of the state and city
32 appropriation. The state’s share of this fund may be supported through a reallocation of current
33 state appropriations to the Central Falls school district. At the end of the transition period defined
34 in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24. Additional

1 support for the Davies and the Met Center is needed due to the costs associated with running a
2 stand-alone high school offering both academic and career and technical coursework. The
3 department shall recommend criteria for the purpose of allocating any and all stabilization funds as
4 may be determined by the general assembly;

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

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

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

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

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

30 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
31 state’s share of the foundation education aid for the regionalized district as calculated pursuant to
32 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

33 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
34 state’s share of the foundation education aid for the regionalized district as calculated pursuant to

1 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

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

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

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

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

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

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

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

34 (ii) Schools with enrollments of one thousand two hundred (1,200) or more students shall

1 require two school resource officers;

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

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

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

8 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT

1 This act would add multilingual learners, as defined by regulations of the council on
2 elementary and secondary education, into the determination of high-need students and provides a
3 student success factor of twenty-five percent (25%) of the core instruction per-pupil amount and
4 repeals the categorical funding for these students.

5 This act would take effect upon passage.

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