

2012 -- H 8012

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

Introduced By: Representatives Brien, and Newberry

Date Introduced: March 28, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-7-23 of the General Laws in Chapter 16-7 entitled "Foundation  
2 Level School Support" is hereby amended to read as follows:

3           **16-7-23. Community requirements -- Adequate minimum budget provision. --** (a)

4 The school committee's budget provisions of each community for current expenditures in each  
5 budget year shall provide for an amount from all sources sufficient to support the basic program  
6 and all other approved programs shared by the state. Each community shall contribute local funds  
7 to its school committee in an amount not less than its local contribution for schools in the  
8 previous fiscal year except to the extent permitted by ~~section~~ [sections](#) 16-7-23.1 [and 16-7-23.2](#).  
9 Provided, that for the fiscal years 2010 and 2011 each community shall contribute to its school  
10 committee in an amount not less than ninety-five percent (95.0%) of its local contribution for  
11 schools for the fiscal year 2009. Calculation of the annual local contribution shall not include  
12 Medicaid revenues received by the municipality or district pursuant to chapter 8 of title 40. A  
13 community which has a decrease in enrollment may compute maintenance of effort on a per pupil  
14 rather than on an aggregate basis when determining its local contribution; furthermore, a  
15 community which experiences a nonrecurring expenditure for its schools may deduct the  
16 nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring  
17 expenditures shall be with the approval of the commissioner. The courts of this state shall enforce  
18 this section by ~~writ of mandamus~~ [means of injunctive relief](#).

19           (b) Whenever any state funds are appropriated for educational purposes, the funds shall

1 be used for educational purposes only and all state funds appropriated for educational purposes  
2 must be used to supplement any and all money allocated by a city or town for educational  
3 purposes and, in no event, shall state funds be used to supplant, directly or indirectly, any money  
4 allocated by a city or town for educational purposes. All state funds shall be appropriated by the  
5 municipality to the school committee for educational purposes in the same fiscal year in which  
6 they are appropriated at the state level even if the municipality has already adopted a school  
7 budget. All state and local funds unexpended by the end of the fiscal year of appropriation shall  
8 remain a surplus of the school committee and shall not revert to the municipality. Any surplus of  
9 state or local funds appropriated for educational purposes shall not in any respect affect the  
10 requirement that each community contribute local funds in an amount not less than its local  
11 contribution for schools in the previous fiscal year, subject to subsection (a) of this section, and  
12 shall not in any event be deducted from the amount of the local appropriation required to meet the  
13 maintenance of effort provision in any given year.

14 SECTION 2. Chapter 16-7 of the General Laws entitled "Foundation Level School  
15 Support" is hereby amended by adding thereto the following section:

16 **16-7-23.2. School deficit reduction -- Maintenance of effort provision. --** A city, town,  
17 or regional school district appropriating authority may appropriate supplemental funds to  
18 eliminate or reduce a school budget deficit. To the extent that such a supplemental appropriation  
19 represents payment of past annual expenditure, the payment shall not be used in the computation  
20 of the maintenance of effort requirements established by section 16-7-23.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO EDUCATION -- FOUNDATION LEVEL SCHOOL SUPPORT

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1           This act would provide that supplemental appropriations made by a city, town or regional  
2 school district appropriating authority for the payment of past annual expenditures would not be  
3 used in the computation of the maintenance of effort requirements established under section 16-7-  
4 23.

5           This act would take effect upon passage.

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