

2020 -- H 8145

=====
LC005598
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————
A N A C T

RELATING TO EDUCATION -- EDUCATION SAVINGS ACCOUNTS -- SCHOOL CHOICE
IN-PERSON LEARNING

Introduced By: Representatives Filippi, and Place

Date Introduced: November 19, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 7.3

4 EDUCATION SAVINGS ACCOUNTS PROGRAM -- SCHOOL CHOICE IN-PERSON

5 LEARNING

6 **16-7.3-1. Education savings accounts program established.**

7 (a) During the period which any school district in the state shall fail to or be unable to
8 provide in-person learning to the students of the school district due to a disaster emergency
9 declaration by the governor pursuant to § 30-15-9 related to a public health emergency, any district
10 not providing in-person learning to its students shall establish, in any form as such school district
11 deems appropriate, an education savings account program. The purpose of the program shall be to
12 assist and support the parents and legal guardians of each child in the school district with the
13 materials, tutors, technology and other educational support for any child learning at-home or at any
14 other remote-learning site during the declared disaster emergency.

15 (b) Each education savings account shall be maintained in a restricted receipt savings
16 account and shall be managed by the parents or legal guardians of the child.

17 (c) The Rhode Island department of education shall determine the available per pupil cost
18 of the school district which shall not be providing in-person learning to the existing students of the

1 school district at the time the disaster emergency is declared. Said per pupil cost shall be set aside
2 by the school district in the restricted receipt savings account established for each child of the school
3 district entitled to an education savings account.

4 (d) The parent(s) or legal guardian(s) of each child for whom an education savings account
5 is established may contribute additional monies to such account.

6 (e) For state income tax purposes, the amount contributed and the annual earnings
7 therefrom contributed to an education savings account by a parent or legal guardian shall be exempt
8 from the state income tax and shall not be includible in the Rhode Island personal income tax of
9 the parent or legal guardian making the contribution to the education savings account.

10 (f) The parent(s) or legal guardian(s) of any child with an education savings account shall
11 be entitled to utilize, at their sole discretion, any funds in the education savings account established
12 for the child for tutoring, technology, supplies and any other learning support measures or materials.

13 **16-7.3-2. School choice in-person learning.**

14 (a) In the event that a school district should fail to provide in-person learning to the students
15 of a school district, despite the fact that the governor has terminated or suspended the prohibition
16 to provide in-person learning within the school district, each parent or legal guardian shall be
17 entitled to send their child to another public school within the state, which has excess capacity and
18 is within the same transportation region as set forth in the state's pathways endorsement program
19 established pursuant to the rules and regulations of the department of education. Any child
20 attending another public school within the state shall be entitled to attend such other school for the
21 entire academic year in which the disaster emergency is declared.

22 (b) The per pupil cost of the school district as determined by the Rhode Island department
23 of education, shall be transferred to the school district, providing in-person learning to the child
24 attending another public school in the state through the existing pathways endorsement program
25 established by the department of education pursuant to its rules and regulations.

26 **16-7.3-3. Disbursement of federal funds received during declared disaster emergency.**

27 The governor shall immediately determine the education facilities upgrades required and
28 then distribute any federal funding, including, but not limited to, CARES Act funds, which the state
29 has received or to which it is entitled for educational purposes, to the Rhode Island department of
30 education for distribution to the school districts located within the state. The school districts shall
31 utilize such funds to upgrade any public school within the district in order to remedy school building
32 deficiencies needed to enhance the health and safety of its students and for the learning purposes
33 set forth in sections §§ 16-7.3-1 and 16-7.3-2. The amount of funds to be utilized for the learning
34 purposes outlined in this chapter by a school district shall be determined by the Rhode Island

1 [department of education.](#)

2 **16-7.3-4. Program termination.**

3 [The education savings account program established in § 16-7.3-1 and school choice in-](#)
4 [person learning established in § 16-7.3-2 shall terminate at the end of the school year in which the](#)
5 [disaster emergency declaration is terminated by the governor.](#)

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

=====
LC005598
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- EDUCATION SAVINGS ACCOUNTS -- SCHOOL CHOICE
IN-PERSON LEARNING

1 This act would establish an education savings account program and school choice in-person
2 learning effective upon and during the declaration of a disaster emergency related to a health
3 emergency by the governor. The program would utilize funds previously appropriated for in-school
4 learning for pupils in the affected districts for at-home learning and for pupils denied in-person
5 learning by a district upon termination or suspension of a prohibition of in-school learning by the
6 governor.

7 This act would also require the governor to distribute any federal funding for educational
8 facilities upgrades needed to enhance the health and safety of pupils and the programs established
9 by this legislation.

10 This act would take effect upon passage.

=====
LC005598
=====