

**2014 -- H 8219 SUBSTITUTE A**

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LC005701/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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A N A C T

RELATING TO EDUCATION - AVERAGE DAILY MEMBERSHIP - SCHOOL  
POPULATION

Introduced By: Representatives Jacquard, McNamara, Hearn, and Nunes

Date Introduced: May 21, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-7-22 of the General Laws in Chapter 16-7 entitled "Foundation  
2 Level School Support" is hereby amended to read as follows:

3           **16-7-22. Determination of average daily membership.** -- Each community shall be  
4 paid pursuant to the provisions of section 16-7-17 an amount based upon the following  
5 provisions:

6           (1) On or before September 1 of each year the average daily membership of each city  
7 and town for the reference year shall be determined by the commissioner of elementary and  
8 secondary education from data supplied by the school committee in each community in the  
9 following manner: The aggregate number of days of membership of all pupils enrolled full time  
10 in grade twelve (12) and below, except that pupils below grade one who are not full time shall be  
11 counted on a full time equivalent basis: (i) increased by the aggregate number of days of  
12 membership of pupils residing in the particular city or town whose tuition in schools approved by  
13 the department of elementary and secondary education in other cities and towns is paid by the  
14 particular city or town; and (ii) decreased by the aggregate number of days of membership of  
15 nonresident pupils enrolled in the public schools of the particular city or town and further  
16 decreased by the aggregate number of days of membership equal to the number of group home  
17 beds calculated for the purposes of reimbursement pursuant to section 14-64-1.1; and (iii)  
18 decreased further, in the case of a city or town which is a member of a regional school district

1 during the first year of operation of the regional school district, by the aggregate number of days  
2 of membership of pupils residing in the city or town who would have attended the public schools  
3 in the regional school district if the regional school district had been operating during the  
4 previous year, divided by the number of days during which the schools were officially in session  
5 during the reference year. The resulting figures shall be the average daily membership for the city  
6 or town for the reference year. For purposes of calculating the permanent foundation education  
7 aid as described in section 16-7.2-3(1) and (2), the average daily membership for school districts  
8 shall exclude charter school and state school students, and beginning in school year 2014-2015,  
9 include an estimate to ensure that districts converting from a half-day to a full-day kindergarten  
10 program pursuant to section 16-99-4 are, credited on a full-time basis beginning in the first year  
11 of enrollment: [and are funded notwithstanding the transition plan pursuant to § 16-7.2-7.](#)

12 (2) The average daily membership of pupils attending public schools shall apply for the  
13 purposes of determining the percentage of the state's share under the provisions of sections 16-7-  
14 16(3), 16-7-16(10), 16-7-18, 16-7-19, 16-7-20, 16-7-21 and 16-7.2-4.

15 (3) In the case of regional school districts, the aggregate number of days of membership  
16 by which each city or town is decreased in subdivision (1)(iii) of this section divided by the  
17 number of days during which the schools attended by the pupils were officially in session shall  
18 determine the average daily membership for the regional school district during the first year of  
19 operation. After the first year of operation, the average daily membership of each regional school  
20 district, except the Chariho regional high school district, shall be determined by the commissioner  
21 of elementary and secondary education from data supplied by the school committee of each  
22 regional school district for the reference year in the manner provided in subdivision (1) of this  
23 section.

24 SECTION 2. Section 16-7.2-7 of the General Laws in Chapter 16-7.2 entitled "The  
25 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

26 **16-7.2-7. Transition plan.** -- (a) The general assembly, shall annually determine the  
27 appropriation of education aid pursuant to this chapter using a transition plan to begin in fiscal  
28 year 2012, not to exceed seven (7) years for LEA's for whom the calculated education aid  
29 pursuant to section 16-7.2-3 is more than the education aid the LEA is receiving as of the  
30 effective date of the formula, and ten (10) years for LEA's for whom the calculated education aid  
31 pursuant to section 16-7.2-3 is less than the education aid the LEA is receiving as of the effective  
32 date of the formula.

33 (b) The local share of funding pursuant to section 16-7.2-5 shall be transitioned  
34 proportionately over a period not to exceed five (5) years. The transition shall provide a

1 combination of direct aid to districts, funds for the categorical programs, and district savings  
2 through state-assumed costs, as determined by the general assembly on an annual basis, Updates  
3 to any components of the permanent foundation education aid formula, such as student data,  
4 property values, and/or median family income, that result in an increase or decrease in state  
5 education aid that impacts the total state and local contribution by more than three percent (3%)  
6 shall be transitioned over a period of time not to exceed three (3) years.

7 (c) For districts that are converting from a half-day to a full-day kindergarten program for  
8 the 2014-2015 school year and after, as defined by § 16-99-4, the increase in aid provided  
9 pursuant to the formula for the increased reference average daily membership due to the  
10 conversion of the kindergarten students from 0.5 full-time equivalent to 1.0 full-time equivalent is  
11 not subject to the transition plan in subsection (a); instead, the increased kindergarten full-time  
12 equivalents will be funded at the fully transitioned value of the formula beginning in FY 2017.

13 SECTION 3. Section 16-99-4 of the General Laws in Chapter 16-99 entitled "Full-Day  
14 Kindergarten Accessibility Act" is hereby amended to read as follows:

15 **16-99-4. Eligible school districts; funding.** -- (a) A school district shall be eligible to  
16 request funding pursuant to subsection 16-99-4(b), if:

- 17 (1) The school district is a public school district; and  
18 (2) The school district operates a half-day kindergarten program as of September 1,  
19 2012, but not a full-day kindergarten, as defined herein, serving more than one-half of the  
20 kindergarten students in the district as determined on a headcount basis.

21 (b) Subject to appropriation, beginning with school year 2013-2014, the commissioner of  
22 elementary and secondary education shall rank and approve ~~up to four (4)~~ eligible public school  
23 districts ~~per year to~~ that voluntarily implement a full-day kindergarten program as defined herein.  
24 The aforementioned school district shall receive funding to offset a portion of the reasonable one-  
25 time, start-up costs including, but not limited to, desks, books, facility upgrades, ancillary costs  
26 associated with relocation of students, costs associated with the development and implementation  
27 of new curriculum, and any other necessary expenses associated with each school's  
28 implementation of a full-day kindergarten program. ~~Funds will be appropriated~~ Ranking shall be  
29 based upon criteria established by the commissioner of elementary and secondary education to  
30 ensure the quality and sustainability of the full-day kindergarten programs implemented.

31 ~~(c) If more than four (4) eligible school districts apply in one year, or if the appropriation~~  
32 ~~does not support four (4) eligible districts, the commissioner of elementary and secondary~~  
33 ~~education shall determine which districts shall access the available funds for start up costs. In~~  
34 ranking the school districts' proposals, The the commissioner's-commissioner decision shall

1 consider the quality and sustainability of the program and the average number of children eligible  
2 for USDA reimbursable school meals served by the respective district's elementary schools with  
3 priority given to school districts with enrollment greater than eight thousand (8,000). ~~The~~  
4 ~~commissioner may consider the school district's plan to house the kindergarten enrollment,~~  
5 ~~implement a quality full-day program.~~ If no school district has enrollment greater than eight  
6 thousand (8,000) then priority shall be given to school districts with enrollment greater than four  
7 thousand (4,000).

8 (c) The commissioner shall fully fund all eligible expenditures of each district in rank  
9 order. If a district's proposal cannot be fully funded, the district may either accept the available  
10 funding for the project or refuse funding. If funding is refused, the commissioner shall fund the  
11 next eligible school district's request based on the aforementioned ranking.

12 (d) School districts receiving funds pursuant to this chapter must operate only a full-day  
13 program, no half-day programs. The full-day kindergarten program must continue to operate for  
14 five (5) years.

15 (e) All funding provided under this section is subject to appropriation.

16 (f) Notwithstanding the provisions of subsection (d), school districts who request  
17 funding pursuant to this chapter may be allowed to phase-in the implementation of a full-day  
18 kindergarten program, provided that the district provides the department of elementary and  
19 secondary education with a schedule and plan as to the implementation of such program.

20 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would prioritize the awarding of state aid for the implementation of full-day  
2 kindergarten programs. The commissioner of elementary and secondary education would rank all  
3 eligible school districts. Ranking would be based on the quality and sustainability of each  
4 program. Districts with eight thousand (8000) or more students would be given priority.

5           This act would take effect upon passage.

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