

2022 -- S 2440

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Senators Cano, DiMario, Lawson, DiPalma, Quezada, and Valverde

Date Introduced: March 01, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

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

3 **16-7.2-6. Categorical programs, state funded expenses.**

4 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the permanent
5 foundation education-aid program shall provide direct state funding for:

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

16 (b) Career and technical education costs to help meet initial investment requirements
17 needed to transform existing, or create new, comprehensive, career and technical education
18 programs and career pathways in critical and emerging industries and to help offset the higher-

1 than-average costs associated with facilities, equipment maintenance and repair, and supplies
2 necessary for maintaining the quality of highly specialized programs that are a priority for the state.
3 The department shall develop criteria for the purpose of allocating any and all career and technical
4 education funds as may be determined by the general assembly on an annual basis. The department
5 of elementary and secondary education shall prorate the funds available for distribution among
6 those eligible school districts if the total approved costs for which school districts are seeking
7 reimbursement exceed the amount of funding available in any fiscal year;

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

11 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure
12 that appropriate funding is available to support their students. Additional support for Central Falls
13 is needed due to concerns regarding the city's capacity to meet the local share of education costs.
14 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs outside
15 the permanent foundation education-aid formula, including, but not limited to, transportation,
16 facility maintenance, and retiree health benefits shall be shared between the state and the city of
17 Central Falls. The fund shall be annually reviewed to determine the amount of the state and city
18 appropriation. The state's share of this fund may be supported through a reallocation of current state
19 appropriations to the Central Falls school district. At the end of the transition period defined in §
20 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24. Additional support
21 for the Davies and the Met Center is needed due to the costs associated with running a stand-alone
22 high school offering both academic and career and technical coursework. The department shall
23 recommend criteria for the purpose of allocating any and all stabilization funds as may be
24 determined by the general assembly;

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

32 (f) Excess costs associated with transporting students within regional school districts. This
33 fund will provide direct state funding for the excess costs associated with transporting students
34 within regional school districts, established pursuant to chapter 3 of this title. This fund requires

1 that the state and regional school district share equally the student transportation costs net any
2 federal sources of revenue for these expenditures. The department of elementary and secondary
3 education shall prorate the funds available for distribution among those eligible school districts if
4 the total approved costs for which school districts are seeking reimbursement exceed the amount
5 of funding available in any fiscal year;

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

8 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
9 district established under the provisions of chapter 3 of this title, including the Chariho Regional
10 School district;

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

16 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
17 state's share of the foundation education aid for the regionalized district as calculated pursuant to
18 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

19 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
20 state's share of the foundation education aid for the regionalized district as calculated pursuant to
21 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

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

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

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

29 (h) Additional state support for English learners (EL). The amount to support EL students
30 shall be determined by multiplying an EL factor of ten percent (10%) by the core-instruction per-
31 pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of additional state support to
32 EL students identified using widely adopted, independent standards and assessments identified by
33 the commissioner. All categorical funds distributed pursuant to this subsection must be used to
34 provide high-quality, research- based services to EL students and managed in accordance with

1 requirements set forth by the commissioner of elementary and secondary education. The
2 department of elementary and secondary education shall collect performance reports from districts
3 and approve the use of funds prior to expenditure. The department of elementary and secondary
4 education shall ensure the funds are aligned to activities that are innovative and expansive and not
5 utilized for activities the district is currently funding. The department of elementary and secondary
6 education shall prorate the funds available for distribution among eligible recipients if the total
7 calculated costs exceed the amount of funding available in any fiscal year;

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

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

20 (i) Schools with enrollments below one thousand twelve hundred (1,200) students shall
21 require one school resource officer;

22 (ii) Schools with enrollments of one thousand twelve hundred (1,200) or more students
23 shall require two school resource officers;

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

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

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

30 (k) State support for school-based mental and behavioral health services.

31 (1) For a period of three (3) years, local education agencies (LEAs) shall receive direct
32 state support for costs associated with hiring mental and behavioral health professionals certified
33 by the department of elementary and secondary education, including, but not limited to, certified
34 school psychologists, certified social workers, or certified counselors. After accounting for any

1 federal funds or federal, state or local grants received toward the costs associated with such a
2 position, LEAs shall be reimbursed an amount equal to one-half (1/2) of the cost of salaries and
3 benefits that remain the LEA's responsibility.

4 (2) Funding shall be provided for mental or behavioral health professional positions
5 established on or after July 1, 2022, provided that:

6 (i) Schools choosing to hire certified social workers under this provision shall maintain a
7 ratio of no greater than two hundred fifty (250) students to one social worker;

8 (ii) Schools choosing to hire certified school psychologists under this provision shall
9 maintain a ratio of no greater than seven hundred (700) students to one school psychologist; and

10 (iii) Schools choosing to hire certified school counselors under this provision shall maintain
11 a ratio of no greater than two hundred fifty (250) students to one counselor;

12 (3) LEAs shall not be eligible to receive reimbursement for hiring certified mental or
13 behavioral health professionals that would result in ratios lower than those identified in subsection
14 (k)(2) of this section, unless the LEA provides a workload analysis to the department indicating
15 that additional mental or behavioral health professionals are required to deliver all specified
16 services to students in a particular school or schools.

17 (4) Schools or LEAs that eliminate existing mental or behavioral health positions and create
18 new positions under this provision shall not be eligible for reimbursement.

19 (5) Schools within the same LEA may share certified mental or behavioral health
20 professionals, provided that:

21 (i) The student-to-specialist ratio between the sharing schools does not exceed those in
22 subsection (k)(2) of this section; and

23 (ii) Any shared specialists are shared between the same schools in the LEA to facilitate
24 establishing a centralized mental health team for the same student population and make
25 coordination of care more efficient.

26 (6) By October 1, 2022, and every October 1 thereafter, the department shall report to the
27 general assembly;

28 (i) The number and type of mental or behavioral health full-time employees (FTEs)
29 currently employed by each LEA;

30 (ii) The number and type of mental or behavioral health FTEs serving each school; and

31 (iii) For each partial FTE, describe the circumstances surrounding the use of a partial FTE.
32 If a partial FTE at a school or schools is the result of more than one school sharing a mental or
33 behavioral health professional, the department shall identify all schools sharing the FTE.

1 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
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- 1 This act would provide that the permanent foundation educational aid program would
- 2 provide state funding for school-based mental health services pursuant to specified conditions.
- 3 This act would take effect upon passage.

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