

2019 -- S 0429

LC001779

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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

Introduced By: Senator Roger Picard

Date Introduced: February 27, 2019

Referred To: Senate Finance

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

6 (a) Excess costs associated with special education students. Excess costs are defined
7 when an individual special education student's cost shall be deemed to be "extraordinary".
8 Extraordinary costs are those educational costs that exceed the state-approved threshold based on
9 an amount above five times the core foundation amount (total of core-instruction amount plus
10 student success amount). The department of elementary and secondary education 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
15 two (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
3 state. The department shall develop criteria for the purpose of allocating any and all career and
4 technical education funds as may be determined by the general assembly on an annual basis. The
5 department of elementary and secondary education shall prorate the funds available for
6 distribution among those eligible school districts if the total approved costs for which school
7 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

8 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
9 programs. The department shall recommend criteria for the purpose of allocating any and all early
10 childhood 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
15 outside the permanent foundation education-aid formula, including, but not limited to,
16 transportation, facility maintenance, and retiree health benefits shall be shared between the state
17 and the city of Central Falls. The fund shall be annually reviewed to determine the amount of the
18 state and city appropriation. The state's share of this fund may be supported through a reallocation
19 of current state appropriations to the Central Falls school district. At the end of the transition
20 period defined in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24.
21 Additional support for the Davies and the Met Center is needed due to the costs associated with
22 running a stand-alone high school offering both academic and career and technical coursework.
23 The department shall recommend criteria for the purpose of allocating any and all stabilization
24 funds as may be determined by the general assembly;

25 (e) Excess costs associated with transporting students to out-of-district non-public
26 schools. This fund will provide state funding for the costs associated with transporting students to
27 out-of-district non-public schools, pursuant to chapter 21.1 of this title. The state will assume the
28 costs of non-public out-of-district transportation for those districts participating in the statewide
29 system. The department of elementary and secondary education shall prorate the funds available
30 for 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.
33 This fund will provide direct state funding for the excess costs associated with transporting
34 students within regional school districts, established pursuant to chapter 3 of this title. This fund

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

6 (g) Public school districts that are regionalized shall be eligible for a regionalization
7 bonus 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
26 available for distribution among those eligible regionalized school districts if the total, approved
27 costs for which regionalized school districts are seeking a regionalization bonus exceed the
28 amount of 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
3 districts and approve the use of funds prior to expenditure. The department of elementary and
4 secondary education shall ensure the funds are aligned to activities that are innovative and
5 expansive and not utilized for activities the district is currently funding. The department of
6 elementary and secondary education shall prorate the funds available for distribution among
7 eligible recipients if the total calculated costs exceed the amount of funding available in any fiscal
8 year;

9 (i) State support for school resource officers. For purposes of this subsection, a school
10 resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority
11 who is deployed by an employing police department or agency in a community-oriented policing
12 assignment to work in collaboration with one or more schools. School resource officers should
13 have completed at least forty (40) hours of specialized training in school policing, administered
14 by an accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3)
15 years, school districts or municipalities that choose to employ school resource officers shall
16 receive direct state support for costs associated with employing such officers at public middle and
17 high schools. Districts or municipalities shall be reimbursed an amount equal to one-half (1/2) of
18 the cost of salaries and benefits for the qualifying positions. Funding will be provided for school
19 resource officer positions established on or after July 1, 2018, provided that:

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

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

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

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

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

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

31 (k) Expenditures for services and instructional programs for students residing in
32 conventional public housing units owned by public housing authorities which are not on local tax
33 rolls. Payments shall be made when the services and programs have been carried out in
34 accordance with the requirements of state law and regulations of the state board of education.

1 (l) The following terms shall have the following meanings:

2 (1) "Conventional public housing" means those properties identified as eligible low rent
3 housing projects under title I of Pub. L. 81-874, 20 U.S.C. 236 et seq.

4 (2) "Incentive entitlement" means the sum payable to a local school district under this
5 formula.

6 (3) "State share ratio" means the state share ratio as calculated under § 16-7.2-4.

7 (i) The incentive entitlement for a district shall be the product of the average per pupil
8 cost for the district based upon the Uniform Chart of Accounts, the number of full-time
9 equivalent pupils in grade twelve (12) and below residing in conventional public housing, and the
10 state share ratio for the district.

11 (ii) The department of elementary and secondary education shall prorate the funds
12 available for distribution among those eligible school districts if the total approved costs for
13 which school districts are seeking reimbursements exceed the amount of funding appropriated in
14 any fiscal year.

15 (m) In addition to the off track betting tax payable to cities and towns under §§ 41-10-
16 7(a)(1), 7(a)(2), and 7(a)(3), any shortfall in the funding for students residing in "conventional
17 public housing" as defined in this section, shall be paid by the state to the cities and towns from
18 those funds derived from sports-wagering revenue as set forth in § 42-61-2.5, and from profits
19 made by the state derived from the sale of recreational marijuana if, and when, recreational
20 marijuana becomes legal in this state.

21 SECTION 2. Section 16-7-34.3 of the General Laws in Chapter 16-7 entitled
22 "Foundation Level School Support [See Title 16 Chapter 97 - The Rhode Island Board of
23 Education Act]" is hereby repealed.

24 ~~**16-7-34.3. Reimbursement by the state for conventional public housing students.**~~

25 ~~(a) Each school district shall be reimbursed for expenditures for services and instructional~~
26 ~~programs for students residing in conventional public housing units owned by public housing~~
27 ~~authorities which are not on local tax rolls. Reimbursement shall be made when the services and~~
28 ~~programs have been carried out in accordance with the requirements of state law and regulations~~
29 ~~of the board of regents for elementary and secondary education. The following formula shall be~~
30 ~~used to distribute aid for the students residing in the public housing units:~~

31 ~~(1)(i) The following formula and definitions are to be used to determine the entitlement~~
32 ~~for each school district:~~

33 ~~(ii) The incentive entitlement for a district shall be the product of the average per pupil~~
34 ~~cost for the district, the number of full time equivalent pupils in grade 12 and below residing in~~

1 ~~conventional public housing, and the state share ratio for the district.~~

2 ~~(2) In this formula the following terms have the following meanings:~~

3 ~~(i) "Incentive entitlement" means the sum payable to a local school district under this~~
4 ~~formula.~~

5 ~~(ii) "Average per pupil costs for the district" means all expenditures approved by the state~~
6 ~~board of regents for elementary and secondary education as defined in § 16-7-20 plus the costs of~~
7 ~~special education required under chapter 24 of this title divided by average daily membership of~~
8 ~~pupils as determined in § 16-7-22(1).~~

9 ~~(iii) "State share ratio" means the effective state share ratio as calculated under § 16-7-20.~~

10 ~~(iv) "Conventional public housing" means those properties identified as eligible low rent~~
11 ~~housing projects under title I of P.L. 81-874, 20 U.S.C. § 236 et seq.~~

12 ~~(b) Students living on property owned by the Rhode Island resource recovery corporation~~
13 ~~shall also be included in computations under this section.~~

14 ~~(c) Students living in the North Kingstown Traveler's Aid housing project shall also be~~
15 ~~included in computations under this section.~~

16 ~~(d) An amount shall be appropriated for the purpose of reimbursing school districts as~~
17 ~~required pursuant to subsection (a) for conventional public housing.~~

18 ~~(e) If the sum appropriated in subsection (a) of this section is not sufficient to pay in full~~
19 ~~the amount for conventional public housing which each city and town is entitled to receive in any~~
20 ~~fiscal year, the maximum amount which all cities and towns are entitled to receive under this~~
21 ~~section shall be deducted from the sum appropriated for all cities and towns under § 16-7-20. If,~~
22 ~~after final allocation of §§ 16-7-15 through 16-7-34, a district receives more than one hundred~~
23 ~~percent (100%) reimbursement, the excess shall be deducted from this conventional public~~
24 ~~housing allocation in the following fiscal year.~~

25 ~~(f) Reimbursement payments as calculated under this chapter shall be made according to~~
26 ~~§ 16-7-16. All payments under this chapter shall be used exclusively to support services for~~
27 ~~conventional public housing students.~~

28 ~~(g) Expenditure reports shall be submitted by the local school districts to the~~
29 ~~commissioner of elementary and secondary education in accordance with rules and regulations of~~
30 ~~the board of regents for elementary and secondary education.~~

31 SECTION 3. 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 change the formula for providing state aid to students in conventional
2 public housing and would provide funding through gambling revenue and taxes derived from the
3 sale of marijuana.
4 This act would take effect upon passage.

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