

2021 -- S 0757 SUBSTITUTE A AS AMENDED

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LC002275/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - EDUCATION - PSYCHOLOGISTS

Introduced By: Senators Cano, Quezada, Seveney, Kallman, Valverde, Pearson,
DiMario, Lawson, Murray, and DiPalma

Date Introduced: April 01, 2021

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-
19 than-average costs associated with facilities, equipment maintenance and repair, and supplies

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

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

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

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

31 (f) Excess costs associated with transporting students within regional school districts. This
32 fund will provide direct state funding for the excess costs associated with transporting students
33 within regional school districts, established pursuant to chapter 3 of this title. This fund requires
34 that the state and regional school district share equally the student transportation costs net any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 position, LEAs shall be reimbursed an amount equal to one-half (1/2) of the cost of salaries and
2 benefits that remain the LEA's responsibility.

3 (2) Funding shall be provided for mental or behavioral health professional positions
4 established on or after July 1, 2021, provided that:

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

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

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

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

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

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

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

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

25 (6) By October 1, 2021, and every October 1 thereafter, the department shall report to the
26 general assembly;

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

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

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

33 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 BUSINESSES AND PROFESSIONS - EDUCATION - PSYCHOLOGISTS

- 1 This act would establish state support for school-based mental health services.
- 2 This act would take effect upon passage.

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