

2022 -- H 8115

LC005676

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- STATE AID

Introduced By: Representatives Slater, Diaz, and O'Brien

Date Introduced: April 08, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-5-30 of the General Laws in Chapter 16-5 entitled "State Aid [See
2 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended to read as
3 follows:

4 **16-5-30. Withholding of aid for infraction of laws or regulations -- Report to general**
5 **assembly.**

6 (a) The commissioner of elementary and secondary education may, for violation or neglect
7 of law or for violation or neglect of rules and regulations in pursuance of law by any city or town
8 or city or town officer or school committee, or for nonpayment of tuition owed by one community
9 to another including but not limited to those children in state custody, vocational education, or
10 special education, order the general treasurer to withhold the payment of any portion of the public
11 money that has been or may be apportioned to the city or town; and the general treasurer upon the
12 receipt in writing of the order shall hold the public money due the city or town until the time as the
13 commissioner by writing requests the withheld funds for the purposes of eliminating the violation
14 or neglect of law or regulation that caused the order to be issued, or the commissioner of elementary
15 and secondary education shall notify the treasurer that the city or town has complied with the order
16 as the department of elementary and secondary education shall make in the premises, in which case
17 payment shall be made to the town immediately. If the violation is for nonpayment of tuition and
18 it has been determined by the commissioner that the tuition is owed, then the commissioner shall,
19 subject to the debtor community's right to appeal to the superior court, order the general treasurer

1 to deduct the amount owed from the debtor community's school aid and to pay the community
2 which is owed the tuition. The board of regents for elementary and secondary education shall report
3 to the general assembly annually all infractions of school law which shall be brought to its attention,
4 with a record of this action as the department shall have taken in each instance.

5 (b) Notwithstanding any other provisions of law to the contrary, the provisions of
6 subsection (a) of this section shall not apply during an intervention or other exercise of control
7 authorized pursuant to § 16-7.1-5.

8 SECTION 2. This act shall take effect upon passage, and shall apply retroactively to any
9 and all orders issued under § 16-5-30 on or after January 1, 2021, as well as pending orders or
10 proceedings.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- STATE AID

1 This act would prohibit the commissioner of elementary and secondary education,
2 notwithstanding any provisions of law to the contrary, from withholding aid for infraction of laws
3 and regulations during an intervention or other exercise of control pursuant to § 16-7.1-5.

4 This act would take effect upon passage, and would apply retroactively to any and all orders
5 issued under § 16-5-30 on or after January 1, 2021, as well as pending orders or proceedings.

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