

**ARTICLE 11 AS AMENDED**

RELATING TO STRENGTHENING NEIGHBORHOOD SCHOOLS

SECTION 1. Section 16-2-9.4 of the General Laws in Chapter 16-2 entitled "School Committees and Superintendents" is hereby amended to read as follows:

**16-2-9.4. School district accounting compliance.** -- (a) The office of auditor general and the department of elementary and secondary education shall promulgate a uniform system of accounting, including a chart of accounts based on the recommendations of the advisory council on school finance, and require all accounts of the school districts, regional school districts, state schools, and charter schools to be kept in accordance therewith; provided, that in any case in which the uniform system of accounting is not practicable, the office of auditor general, in conjunction with the department of elementary and secondary education, shall determine the manner in which the accounts shall be kept. The uniform chart of accounts (UCOA) must allow for both school-to-school and school district-to-school district comparisons. The structure of the UCOA shall ensure that data is captured and presented by, at a minimum, position, program and school location in order to facilitate such comparisons. The uniform system of accounting shall also include a standardized budget process to ensure districts can annually assess investment priorities and incorporate long-range planning.

(b) For the purpose of securing a uniform system of accounting and a chart of accounts the advisory council on school finances, as defined in § 16-2-9.2 may make such surveys of the operation of any school districts, regional school district, state school, or charter school as they shall deem necessary.

(c) Upon completion of the implementation of the uniform chart of accounts, all the school districts, regional school districts, state schools, and/or charter schools, shall implement a ~~regents~~ department of elementary and secondary education-approved budget model, that shall include a distinct line item for payments to charter schools and use best practices established by the department of elementary and secondary education for long-range planning, budget development, and budget administration and reporting.

(d) Commencing July 1, 2017, and on a continuing basis thereafter, each local education agency shall submit a "budget only" file that conforms with UCOA requirements to the department of elementary and secondary education within 30 days of the city/town adoption of

1 the budget.

2 (e) Using data from the uniform chart of accounts, on an annual basis the department of  
3 elementary and secondary education shall publish on its website and provide the general  
4 assembly with a performance dashboard indicating the per-pupil expenditures of each public  
5 school and school district broken down by revenue sources and expenditure categories. Further,  
6 the department shall provide, within the same dashboard, student performance indicators for each  
7 public school and school district.

8 (f) Commencing July 1, 2017, and on a continuing basis thereafter, each local education  
9 agency shall post the following information on its website in a downloadable format, for free  
10 public access:

11 (1) The local education agency's annual budget, commencing with the budget for the  
12 2017-18 budget year, that includes, at a minimum, information at the program and school levels;

13 (2) The local education agency shall post a link to the statewide website operated by the  
14 department of elementary and secondary education which will publish the school and district  
15 level "budget only" and UCOA expenditure data.

16 (3) Each local education agency shall update the information specified in subsection (1)  
17 of this section within sixty (60) days after adoption and/or making any changes to the local  
18 education agency's budget, including any changes made to the budgets of an individual program  
19 or school.

20 ~~(f)~~(g) If any school district, regional school district, state school, or charter school fails to  
21 install and maintain the uniform system of accounting, including a chart of accounts and  
22 approved budget model, or fails to keep its accounts and interdepartmental records, or refuses or  
23 neglects to make the reports and to furnish the information in accordance with the method  
24 prescribed by the office of auditor general and the department of education, or hinders or prevents  
25 the examination of accounts and financial records, the auditor general and the commissioner of  
26 education, and/or their respective designee(s), shall make a report to the superintendent of schools  
27 of the local education agency, the school committee chairperson, the mayor or town manager, and  
28 the president of the town council, and/or for a charter school, to the board of trustees or directors,  
29 as applicable, in writing, specifying the nature and extent of the failure, refusal, neglect,  
30 hindrance, or prevention, and the commissioner is hereby authorized and directed to review the  
31 matter so reported. If the commissioner shall find that failure, refusal, neglect, hindrance, or  
32 prevention exists and that the school district, regional school district, state school, or charter  
33 school should properly comply in the matter so reported, the commissioner shall direct the school  
34 district, regional school district, state school, or charter school, in writing, to so comply. If the

1 failure, refusal, neglect, hindrance, or prevention shall continue for a period of ten (10) days  
2 following the written direction, the commissioner may request the board of education for  
3 approval to withhold distribution of state aid to said school district, regional school district, state  
4 school, or charter school. The board shall hold a hearing and provide the subject school and/or  
5 district notice and an opportunity to be heard at said hearing. After hearing thereon, the board  
6 may authorize the commissioner to withhold the distribution of state aid to said school district,  
7 regional school district, state school, or charter school, if the board determines such sanction is  
8 appropriate.

9 ~~(e)~~(h) The department of elementary and secondary education, in consultation with the  
10 division of municipal finance, shall conduct periodic reviews and analysis of school revenues and  
11 expenses. The department shall also review and monitor compliance with the approved budget  
12 model and best practices. The department shall identify those local education agencies considered  
13 to be at risk of a year-end deficit or a structural deficit that could impact future years. Such  
14 potential deficits shall be identified based on the periodic reviews, which may also include on-site  
15 visits and reporting in accordance with the provisions of § 45-12-22.2. Potential deficits shall be  
16 reported to the office of municipal finance, office of auditor general, superintendent, chairman of  
17 the school committee, mayor or town manager, and the president of the town council, of the  
18 applicable school district, regional school district, or state school, and/or for a charter school, to  
19 the board of trustees or directors, as applicable.

20 SECTION 2. Sections 16-7.2-3, 16-7.2-4, 16-7.2-5, and 16-7.2-6 of the General Laws in  
21 Chapter 16-7.2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended  
22 to read as follows:

23 **16-7.2-3. Permanent foundation education aid established.** -- (a) Beginning in the  
24 2012 fiscal year, the following foundation education aid formula shall take effect. The foundation  
25 education aid for each district shall be the sum of the core instruction amount in (a)(1) and the  
26 amount to support high need students in (a)(2), which shall be multiplied by the district state  
27 share ratio calculated pursuant to § 16-7.2-4 to determine the foundation aid.

28 (1) The core instruction amount shall be an amount equal to a statewide per pupil core  
29 instruction amount as established by the department of elementary and secondary education,  
30 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
31 Massachusetts, Connecticut, and New Hampshire from the National Center for Education  
32 Statistics (NCES) that will adequately fund the student instructional needs as described in the  
33 basic education program and multiplied by the district average daily membership as defined in §  
34 16-7-22. Expenditure data in the following categories: instruction and support services for

1 students, instruction, general administration, school administration and other support services  
2 from the National Public Education Financial Survey as published by NCES and enrollment data  
3 from the Common Core of Data also published by NCES will be used when determining the core  
4 instruction amount. The core instruction amount will be updated annually. For the purpose of  
5 calculating this formula, school districts' resident average daily membership shall exclude charter  
6 school and state-operated school students.

7 (2) The amount to support high need students beyond the core instruction amount shall be  
8 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
9 per pupil amount described in § 16-7.2-3(1) and applying that amount ~~to all resident children~~  
10 ~~eligible for USDA reimbursable school meals~~ for each resident child whose family income is at  
11 or below one hundred eighty-five percent (185%) of federal poverty guidelines, hereinafter  
12 referred to as "poverty status."

13 (b) LEAs may set aside a portion of funds received under subsection (a) to expand  
14 learning opportunities such as after school and summer programs, full day kindergarten and/or  
15 multiple pathway programs provided that the basic education program and all other approved  
16 programs required in law are funded.

17 (c) The department of elementary and secondary education shall promulgate such  
18 regulations as are necessary to implement fully the purposes of this chapter.

19 **16-7.2-4. Determination of state's share.** -- (a) For each district, the state's share of the  
20 foundation education aid calculated pursuant to § 16-7.2-3(a) shall use a calculation that  
21 considers a district's revenue generating capacity and concentration of high-need students. The  
22 calculation is the square root of the sum of the state share ratio for the community calculation,  
23 ~~(SSRC)~~, pursuant to § 16-7-20, squared plus the district's percentage of students ~~eligible for~~  
24 ~~USDA reimbursable school meals~~ in grades PK-6 in poverty status ~~(PK6FRPL)~~-squared, divided  
25 by two.

26 (b) For purposes of determining the state's share, school district student data used in this  
27 calculation shall include charter school and state school students. These ratios are used in the  
28 permanent foundation education aid formula calculation described in § 16-7.2-5.

29 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**  
30 **High School, and the Metropolitan Regional Career and Technical Center.** -- (a) Charter  
31 public schools as defined in chapter 77 of this title, the William M. Davies, Jr. Career and  
32 Technical High School (Davies) and the Metropolitan Regional Career and Technical Center (the  
33 Met Center) shall be funded pursuant to § 16-7.2-3. If the October 1 actual enrollment data for  
34 any charter-public school shows a ten percent (10%) or greater change from the prior year

1 enrollment which is used as the reference year average daily membership, the last six (6) monthly  
2 ~~third and fourth quarter~~ payments to the charter public school will be adjusted to reflect actual  
3 enrollment. The state share of the permanent foundation education aid shall be paid by the state  
4 directly to the charter public schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall  
5 be calculated using the state share ratio of the district of residence of the student as set forth in §  
6 16-7.2-4. The department of elementary and secondary education shall provide the general  
7 assembly with the calculation of the state share of permanent foundation education aid for charter  
8 public schools delineated by school district.

9 ~~The department shall also provide the general assembly a performance dashboard~~  
10 ~~indicating the per pupil expenditures of each school district and charter school broken down by~~  
11 ~~revenue sources and expenditure categories. The department shall provide, within the same~~  
12 ~~dashboard, student performance indicators for each school district or charter school. (b) The local~~  
13 share of education funding, ~~as defined by the department of elementary and secondary education~~  
14 ~~and approved by the General Assembly,~~ shall be paid to the charter public school, Davies, and the  
15 Met Center by the district of residence of the student and shall be the local per-pupil cost  
16 calculated by dividing the local appropriation to education from property taxes, net of debt  
17 service, and capital projects, as defined in the uniform chart of accounts by the average daily  
18 membership for each city and town, pursuant to § 16-7-22, for the reference year.

19 (c) Beginning in FY 2017, there shall be a reduction to the local per pupil funding paid by  
20 the district of residence to charter public schools, Davies and the Met Center. This reduction shall  
21 be equal to the greater (i) of seven percent (7%) of the local per pupil funding of the district of  
22 residence pursuant to §16-7 .2-5(b) or (ii) the per pupil value of the district's costs for non-public  
23 textbooks, transportation for non-public students, retiree health benefits, out-of-district special  
24 education tuition and transportation, services for students age eighteen (18) to twenty-one (21)  
25 years old, pre-school screening and intervention, and career and technical education, tuition and  
26 transportation costs, debt service and rental costs minus the average expenses incurred by charter  
27 schools for those same categories of expenses as reported in the uniform chart of accounts for the  
28 prior preceding fiscal year pursuant to §16-7-16(11) and verified by the department of elementary  
29 and secondary education. In the case where audited financials result in a change in the calculation  
30 after the first tuition payment is made, the remaining payments shall be based on the most recent  
31 audited data. For those districts whose greater reduction occurs under the calculation of (ii), there  
32 shall be an additional reduction to payments to mayoral academies with teachers that do not  
33 participate in the state teacher's retirement system under chapter 8 of title 36 equal to the per pupil  
34 value of teacher retirement costs attributable to unfunded liability as calculated by the state's

1 [actuary for the prior preceding fiscal year.](#)

2 ~~(b)~~(d) Local district payments to charter public schools, Davies, and the Met Center for  
3 each district's students enrolled in these schools shall be made on a quarterly basis in July,  
4 October, January and April; however, the first local district payment shall be made by August 15  
5 instead of July. Failure of the community to make the local district payment for its student(s)  
6 enrolled in a charter public school, Davies, and/or the Met Center may result in the withholding  
7 of state education aid pursuant to § 16-7-31.

8 [\(e\) Beginning in FY 2017, school districts with charter public school, Davies, and the](#)  
9 [Met Center enrollment, that combined, comprise five percent \(5%\) or more of the average daily](#)  
10 [membership as defined in §16-17-22 shall receive additional aid for a period of three \(3\) years.](#)  
11 [Aid in FY 2017 shall be equal to the number of charter public school, open enrollment schools,](#)  
12 [Davies, or the Met Center students as of the reference year as defined in §16-7-16 times a per](#)  
13 [pupil amount of one hundred seventy-five dollars \(\\$175\). Aid in FY 2018 shall be equal to the](#)  
14 [number of charter public school, open enrollment schools, Davies, or the Met Center students as](#)  
15 [of the reference year as defined in §16-7-16 times a per pupil amount of one hundred dollars](#)  
16 [\(\\$100\). Aid in FY 2019 shall be equal to the number of charter public school, open enrollment](#)  
17 [schools, Davies, or the Met Center students as of the reference year as defined in §16-7-16 times](#)  
18 [a per pupil amount of fifty dollars \(\\$50.00\). The additional aid shall be used to offset the adjusted](#)  
19 [fixed costs retained by the districts of residence.](#)

20 **16-7.2-6. Categorical programs, state funded expenses.** -- In addition to the foundation  
21 education aid provided pursuant to § 16-7.2-3 the permanent foundation education aid program  
22 shall provide direct state funding for:

23 (a) Excess costs associated with special education students. - Excess costs are defined  
24 when an individual special education student's cost shall be deemed to be "extraordinary."  
25 Extraordinary costs are those educational costs that exceed the state approved threshold based on  
26 an amount above five times the core foundation amount (total of core instruction amount plus  
27 student success amount) The department of elementary and secondary education shall prorate the  
28 funds available for distribution among those eligible school districts if the total approved costs for  
29 which school districts are seeking reimbursement exceed the amount of funding appropriated in  
30 any fiscal year; [and the department of elementary and secondary education shall also collect data](#)  
31 [on those educational costs that exceed the state approved threshold based on an amount above](#)  
32 [four \(4\) times the core foundation amount.](#)

33 (b) Career and technical education costs to help meet initial investment requirements  
34 needed to transform existing or create new comprehensive career and technical education

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

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

12 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to assure  
13 that appropriate funding is available to support ~~their~~ ~~the community, including~~ students,  
14 Additional support for Central Falls is needed ~~from the community that attend the charter schools,~~  
15 ~~Davies, and the Met Center pursuant to § 16-7.2-5,~~ due to concerns regarding the city's capacity  
16 to meet the local share of education costs. This fund requires that education aid calculated  
17 pursuant to § 16-7.2-3 and funding for costs outside the permanent foundation education aid  
18 formula, including but not limited to transportation, facility maintenance, and retiree health  
19 benefits shall be shared between the state and the city of Central Falls. The fund shall be annually  
20 reviewed to determine the amount of the state and city appropriation. The state's share of this  
21 fund may be supported through a reallocation of current state appropriations to the Central Falls  
22 school district. At the end of the transition period defined in § 16-7.2-7, the municipality will  
23 continue its contribution pursuant to § 16-7-24. Additional support for the Davies and the Met  
24 Center is needed due to the costs associated with running a stand-alone high school offering both  
25 academic and career and technical coursework. The department shall recommend criteria for the  
26 purpose of allocating any and all stabilization funds as may be determined by the general  
27 assembly; and

28 (e) Excess costs associated with transporting students to out of district non-public schools  
29 and within regional school districts. (1) This fund will provide state funding for the costs  
30 associated with transporting students to out of district non-public schools, pursuant to title 16,  
31 Chapter 21.1. The state will assume the costs of non-public out-of-district transportation for those  
32 districts participating in the statewide system; and (2) This fund will provide direct state funding  
33 for the excess costs associated with transporting students within regional school districts,  
34 established pursuant to title 16, chapter 3. This fund requires that the state and regional school



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

6 (f) 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 16-3 including the Chariho Regional School  
10 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 section 16-3, including the Chariho Regional School  
15 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.

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 approve  
27 costs for which regionalized school districts are seeking a regionalization bonus exceed the  
28 amount of funding appropriated in any fiscal year.

29 (g) Additional state support for English learners (EL). For FY 2017 only, the amount to  
30 support EL students shall be determined by multiplying an EL factor of ten percent (10%) by the  
31 core instruction per pupil amount defined in §16-7.2-3(a)(1) and applying that amount of  
32 additional state support to EL students identified using widely adopted, independent standards  
33 and assessments identified by the Commissioner. All categorical funds distributed pursuant to this  
34 subsection must be used to provide high-quality, research-based services to EL students and



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

9 ~~(g)~~(h) Categorical programs defined in (a) through (f) shall be funded pursuant to the  
10 transition plan in § 16-7.2-7.

11 SECTION 3. Section 16-77.2-5 of the General Laws in Chapter 16-77.2 entitled "District  
12 Charter School" is hereby amended to read as follows:

13 **16-77.2-5. Budgets and funding.** -- (a) It is the intent of the general assembly that  
14 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive  
15 to the establishment of a district charter school. Funding for each district charter school shall  
16 consist of state revenue and municipal or district revenue in the same proportions that funding is  
17 provided for other schools within the sending school district(s).

18 ~~(b) The amount of funding which shall be allocated to the district charter school by the~~  
19 ~~sending school district(s) shall be equal to a percentage of the total budgeted expenses of the~~  
20 ~~sending school district(s) which is determined by dividing the number of students enrolled in the~~  
21 ~~district charter school by the total resident average daily number of students in the sending school~~  
22 ~~district(s).~~

23 ~~(e)~~(b) Funding additional to that authorized from the sending school district(s) ~~by~~  
24 ~~subsection (b)~~ may be allocated to the district charter school from the sending school district(s) to  
25 the extent that the combined percentage of students eligible for free or reduced cost lunch,  
26 students with limited English proficiency, and students requiring special education exceed the  
27 combined percentage of those students in the sending school district(s) as a whole. The  
28 commissioner shall promulgate rules and regulations consistent with this section regarding the  
29 allocation of funds from sending school districts to district charter schools.

30 ~~(d)~~(c) All services centrally or otherwise provided by the school district in which the  
31 district charter school is located which the district charter school decides to utilize including, but  
32 not limited to, transportation, food services, custodial services, maintenance, curriculum, media  
33 services, libraries, nursing, and warehousing, shall be subject to negotiation between a district  
34 charter school and the school district in which the district charter school is located and paid for

1 out of the revenues of the district charter school. Disputes with regard to cost of services  
2 requested from the school district in which the district charter school is located will be  
3 adjudicated by the commissioner.

4 ~~(e)~~(d) A district charter school shall be eligible to receive other aids, grants, Medicaid  
5 revenue, and other revenue according to Rhode Island law, as though it were a school district.  
6 Federal aid received by the state shall be used to benefit students in the charter public school, if  
7 the school qualifies for the aid, as though it were a school district.

8 ~~(f)~~(e) A district charter school may negotiate and contract directly with third parties for  
9 the purchase of books, instructional materials, and any other goods and services which are not  
10 being provided by the sending school district(s) pursuant to the charter.

11 ~~(g) Any career technical charter public school enrolling special education students from  
12 outside school districts with verifiable individual education program (IEP) designations shall  
13 receive from the sending school district(s) the average per pupil special education cost of the  
14 sending district, in accordance with standards established by the Rhode Island department of  
15 secondary and elementary education.~~

16 SECTION 4. Section of 16-77.3-5 of the General Laws in Chapter 16-77.3 entitled  
17 "Independent Charter Schools" is hereby amended to read as follows:

18 **16-77.3-5. Budgets and funding.** -- (a) It is the intent of the general assembly that  
19 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive  
20 to the establishment of an independent charter school. Funding for each independent charter  
21 school shall consist of state revenue and municipal or district revenue in the same proportions that  
22 funding is provided for other schools within the sending school district(s).

23 ~~(b) The amount of funding which shall be allocated to the independent charter school by  
24 the sending school district(s) shall be equal to a percentage of the total budgeted expenses of the  
25 sending school district(s) which is determined by dividing the number of students enrolled in the  
26 district charter school by the total resident average daily number of students in the sending school  
27 district(s).~~

28 ~~(e)~~(b) Funding additional to that authorized from the sending school district(s) by  
29 subsection (b) may be allocated to the independent charter school from the sending school  
30 district(s) to the extent that the combined percentage of students eligible for free or reduced cost  
31 lunch, students with limited English proficiency, and students requiring special education exceed  
32 the combined percentage of those students in the sending school district(s) as a whole. The  
33 commissioner shall promulgate rules and regulations consistent with this section regarding the  
34 allocation of funds from sending school districts to independent charter schools.

1           ~~(d)~~(c) An independent charter school shall be eligible to receive other aids, grants,  
2 Medicaid revenue, and other revenue according to Rhode Island law, as though it were a school  
3 district. Federal aid received by the state shall be used to benefit students in the independent  
4 charter school, if the school qualifies for the aid, as though it were a school district.

5           ~~(e)~~(d) An independent charter school may negotiate and contract directly with third  
6 parties for the purchase of books, instructional materials, and any other goods and services which  
7 are not being provided by the sending school district(s) pursuant to the charter.

8           ~~(f) Any career/technical charter public school enrolling special education students from  
9 outside school districts with verifiable individual education program (IEP) designations shall  
10 receive from the sending school district(s) the average per pupil special education cost of the  
11 sending district, in accordance with standards established by the Rhode Island department of  
12 elementary and secondary education.~~

13           SECTION 5. Section 16-77.4-5 of the General Laws in Chapter 16-77.4 entitled  
14 "Mayoral Academies" is hereby amended to read as follows:

15           **16-77.4-5. Budgets and funding.** -- (a) It is the intent of the general assembly that  
16 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive  
17 to the establishment of a mayoral academy. Funding for each mayoral academy shall consist of  
18 state revenue and municipal or district revenue in the same proportions that funding is provided  
19 for other schools within the sending school district(s).

20           ~~(b) The amount of funding which shall be allocated to the mayoral academy by the  
21 sending school district(s) shall be equal to a percentage of the total budgeted expenses of the  
22 sending school district(s) which is determined by dividing the number of students enrolled in the  
23 mayoral academy by the total resident average daily number of students in the sending school  
24 district(s).~~

25           ~~(e)~~(b) Funding additional to that authorized from the sending school district(s) ~~by~~  
26 ~~subsection (b)~~ may be allocated to the mayoral academy from the sending school district(s) to the  
27 extent that the combined percentage of students eligible for free or reduced cost lunch, students  
28 with limited English proficiency, and students requiring special education exceed the combined  
29 percentage of those students in the sending school district(s) as a whole. The commissioner shall  
30 promulgate rules and regulations consistent with this section regarding the allocation of funds  
31 from sending school districts to mayoral academies.

32           ~~(d)~~(c) A mayoral academy shall be eligible to receive other aids, grants, Medicaid  
33 revenue, and other revenue according to Rhode Island law, as though it were a school district.  
34 Federal aid received by the state shall be used to benefit students in a mayoral academy, if the

1 school qualifies for the aid, as though it were a school district.

2 ~~(e)~~(d) A mayoral academy may negotiate and contract directly with third parties for the  
3 purchase of books, instructional materials, and any other goods and services which are not being  
4 provided by the sending school district(s) pursuant to the charter.

5 ~~(f) Any career/technical charter public school enrolling special education students from  
6 outside school districts with verifiable individual education program (IEP) designations shall  
7 receive from the sending school district(s) the average per pupil special education cost of the  
8 sending district(s), in accordance with standards established by the Rhode Island department of  
9 elementary and secondary education.~~

10 SECTION 6. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled  
11 "Residence of Children for School Purposes" is hereby amended to read as follows:

12 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**  
13 **foster care, group homes, or other residential facility by a Rhode Island state agency. --** (a)

14 Children placed in foster care by a Rhode Island licensed child placing agency or a Rhode Island  
15 governmental agency shall be entitled to the same free appropriate public education provided to  
16 all other residents of the city or town where the child is placed. The city or town shall pay the cost  
17 of the education of the child during the time the child is in foster care in the city or town.

18 (b) Children placed by DCYF in a group home or other residential facility that does not  
19 include the delivery of educational services are to be educated by the community in which the  
20 group home or other residential facility is located, and those children shall be entitled to the same  
21 free appropriate public education provided to all other residents of the city or town where the  
22 child is placed. For purposes of payment and reimbursement for educational costs under this  
23 chapter, the term "group home or other residential facility" shall not include independent living  
24 programs. Each city and town that contains one or more group homes or other residential  
25 facilities that do not include delivery of educational services will receive funds as part of state aid  
26 to education in accordance with the following provisions:

27 (1) On December 31 of each year the DCYF shall provide the department of elementary  
28 and secondary education with a precise count of how many group home or other residential  
29 facility "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities  
30 that do not include the delivery of educational services. The number of "beds" in each group  
31 home or other residential facility shall be equal to the maximum number of children that may be  
32 placed in that group home or other residential facility on any given night according to the  
33 applicable licensure standards of the DCYF.

34 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by the

1 Department of Children, Youth and Families for a school district by December 31, 2007 is greater  
2 than the number certified March 14, 2007 upon which the education aid for FY 2008 was  
3 appropriated, the education aid for that district will be increased by the number of increased beds  
4 multiplied by fifteen thousand dollars (\$15,000). Notwithstanding the provisions of this section or  
5 any law to the contrary, the education aid for all group home or other residential facility "beds"  
6 located or associated with the Children's Residential and Family Treatment (CRAFT) program  
7 located on the East Providence campus of Bradley Hospital shall be twenty-two thousand dollars  
8 (\$22,000) per bed. The Department of Elementary and Secondary Education shall include the  
9 additional aid in equal payments in March, April, May and June, and the Governor's budget  
10 recommendations pursuant to § 35-3-8 shall include the amounts required to provide the  
11 increased aid.

12 For all fiscal years beginning after June 30, ~~2008~~ 2016, education aid for each school  
13 district shall include ~~fifteen~~ seventeen thousand dollars ~~(\$15,000)~~ (\$17,000) for each bed certified  
14 by the Department of Children, Youth and Families by the preceding December 31.  
15 Notwithstanding the provisions of this section or any law to the contrary, the education aid for all  
16 group home or other residential facility "beds" located or associated with the Children's  
17 Residential and Family Treatment (CRAFT) program located on the East Providence campus of  
18 Bradley Hospital shall be ~~twenty-two thousand dollars (\$22,000)~~ twenty-six thousand dollars  
19 (\$26,000) per bed. For all fiscal years beginning after June 30, 2008, whenever the number of  
20 beds certified by the Department of Children, Youth and Families for a school district by  
21 December 31 is greater than the number certified the prior December 31 upon which the  
22 education aid for that fiscal year was appropriated, the education aid for that district as enacted by  
23 the assembly during the prior legislative session for that fiscal year will be increased by the  
24 number of increased beds multiplied by the amount per bed authorized for that fiscal year. The  
25 Department of Elementary and Secondary Education shall include the additional aid in equal  
26 payments in March, April, May and June, and the Governor's budget recommendations pursuant  
27 to § 35-3-8 shall include the amounts required to provide the increased aid.

28 (c) Children placed by DCYF in a residential treatment program, group home, or other  
29 residential facility, whether or not located in the state of Rhode Island, which includes the  
30 delivery of educational services, provided by that facility (excluding facilities where students are  
31 taught on grounds for periods of time by teaching staff provided by the school district in which  
32 the facility is located), shall have the cost of their education paid for as provided for in subsection  
33 (d) of this section and § 16-64-1.2. The city or town determined to be responsible to DYCF for a  
34 per-pupil special education cost pursuant to § 16-64-1.2 shall pay its share of the cost of

1 educational services to DCYF or to the facility providing educational services.

2 (d) Children placed by DCYF in group homes, child caring facilities, community  
3 residences, or other residential facilities shall have the entire cost of their education paid for by  
4 DCYF if:

5 (1) The facility is operated by the state of Rhode Island or the facility has a contract with  
6 DCYF to fund a pre-determined number of placements or part of the facility's program;

7 (2) The facility is state-licensed; and

8 (3) The facility operates an approved on-grounds educational program, whether or not  
9 the child attends the on-grounds program.

10 SECTION 7. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
11 by adding thereto the following chapter:

12 CHAPTER 3.2

13 SCHOOL AND FAMILY EMPOWERMENT ACT

14 **16-3.2-1. Declaration of policy.** – As part of the effort to transform education in Rhode  
15 Island, the general assembly is committed to developing and supporting strategies that foster  
16 cultures of excellence, innovation, and continuous improvement in Rhode Island schools. The  
17 general assembly believes that all district schools benefit from effective leadership, strong  
18 labor/management collaboration, strong community support and engagement, and the autonomy  
19 and flexibility to continuously improve instruction and implement and adopt strategies that meet  
20 the needs of their students. The general assembly therefore in this act establishes empowerment  
21 schools, which shall remain within a public school district, under the district leadership of the  
22 superintendent and school committee, but which shall be managed collaboratively on site by the  
23 principal and the faculty, as an additional opportunity for supporting more high performing and  
24 innovative schools within the Rhode Island system of public education. A school that volunteers  
25 to be an empowerment school, as defined in this chapter, shall have unprecedented levels of  
26 regulatory and statutory flexibility; school-based autonomy, including autonomy over budget;  
27 flexibility in school-based instructional policies and professional practices defined through shared  
28 leadership; and be uniquely positioned to create compelling learning environments responsive to  
29 increased student and parent/family empowerment. Similarly, in this act, the general assembly  
30 establishes the affirmative right for students and their parents/families to enroll in an  
31 empowerment school that is different than their assigned school based on residence, in order to  
32 seek innovative instructional policies and practices that best match their learning needs, so long  
33 as the empowerment school has elected, as part of its empowerment plan, to accept students from  
34 other schools within the student's district of residence.

1           **16-3.2-2. The empowerment school.** – (a) The following entities may be designated as  
2 an empowerment school: a school in a public school district, a school within a school in a public  
3 school district, a career and technical education program within a public school district, a state  
4 school.

5           (b) Except as otherwise provided in this chapter, all statutes, regulations, and collective  
6 bargaining agreement terms and conditions shall apply to empowerment schools.

7           (c) Notwithstanding §§16-2-9 and 16-2-11, the principal and professional staff of a  
8 empowerment school, acting in concert as a school leadership team, shall make decisions  
9 regarding the school's policies and practices, including, but not limited to, curriculum,  
10 instructional practices, policies and procedures, calendar and schedule, allocation of resources,  
11 staffing and professional development, consistent with the district collective bargaining  
12 agreement and school-based amendments as defined in §16-3.2-4(f). Leadership teams shall  
13 determine methods to document and communicate the latest decisions that emerge through the  
14 leadership team process. Noncertified staff, parents, students and community members may also  
15 be members of the school leadership team at the school's discretion. The principal shall have final  
16 authority in all instructional, personnel, managerial, and operational matters, except for those  
17 matters expressly delegated to the school leadership team through the participatory leadership  
18 process, consistent with the district collective bargaining agreement and school-based  
19 amendments as defined in §16-3.2-4(f).

20           (d) Students from the district in which the empowerment school is located shall be funded  
21 either pursuant to §§16-3.2-7 and 16-7.2-5 or, based on mutual written agreement between the  
22 superintendent and the principal of the empowerment school, in accordance with an alternative  
23 agreement with the school district.

24           (e) Teachers and other staff who work in empowerment schools shall maintain their full  
25 status as members of their respective bargaining unit and as employees of the district and service  
26 in an empowerment school shall not be deemed to be an interruption of service in the school  
27 district for purposes of seniority and teachers' retirement.

28           (f) Although existing collective bargaining agreements shall apply to an empowerment  
29 school, empowerment schools shall be eligible to amend the existing district-wide collective  
30 bargaining agreement through an expedited and timely process, subject to approval of the  
31 superintendent, district union membership, and school committee. School-based amendments to  
32 the district-wide collective bargaining agreement shall be non-precedent setting for future district  
33 bargaining or contract administration. In all instances, final approval or non-approval by all  
34 parties of school-based amendments to the district-wide collective bargaining agreement shall be



1 made within ninety (90) days of submission of such request.

2 **16-3.2-3. Procedure for creation of an empowerment school.** – (a) The commissioner  
3 of elementary and secondary education shall develop a process for a public school, with the  
4 approval of its superintendent and school committee, to be designated as an empowerment school  
5 with the duties, responsibilities and autonomies set forth in this chapter. Said process shall also  
6 address the manner in which a school and its school committee can convert an empowerment  
7 school back to a traditional public school. No existing public school shall be converted into an  
8 empowerment school or back to a traditional public school unless two-thirds (2/3) of the full-time  
9 professional staff currently assigned to the eligible entity described in §16-3.2-4 approve the  
10 proposal. The empowerment school application process and timeline shall be determined by the  
11 commissioner and include information including, but not limited to, the vision for the  
12 empowerment school; the means it will use to improve school performance and student  
13 achievement; performance criteria that will be used to measure student learning at least sufficient  
14 to participate in the state accountability plan; a plan for the governance, administration, and  
15 operation of the empowerment school; whether the school will be funded via §§16-3.2-7 and 16-  
16 7.2-5 or through an alternative written agreement between the superintendent and the principal of  
17 the empowerment school; and the state statutes, state regulations, contract provisions, and school  
18 district rules from which variances or waivers are sought in order to facilitate operation of the  
19 empowerment school. The application shall include a description of the authority of the principal  
20 and how employment decisions of the principal would impact the teacher and staff assignment  
21 process within a school district.

22 In order to facilitate statewide innovation, approved empowerment school plans shall be  
23 posted publicly.

24 (b) Upon deeming an application to be satisfactory, the superintendent and school  
25 committee shall transmit its approval of the designation to the commissioner of elementary and  
26 secondary education, who shall then register the school as an empowerment school subject to the  
27 duties, responsibilities, and autonomies of this chapter.

28 Nothing in this chapter shall require an empowerment school to include all of the  
29 provisions of this chapter in its locally approved plan. In other words, empowerment plans may  
30 include only a locally-determined subset of the provisions made possible by this chapter.

31 Nothing in this chapter shall prevent the creation of school-based amendment to the  
32 district collective bargaining agreement, as defined in §16-3.2-4 (f), to incorporate all or part of  
33 the empowerment plan into the local collective bargaining agreement.

34 (c) If the designation of an empowerment school is approved by the superintendent and

1 school committee, it shall be authorized to operate for a period of up to three (3) years. The  
2 empowerment school plan may be modified as necessary during its period of authorization and  
3 may be renewed for increments up to three (3) years utilizing the same process outlined herein for  
4 initial designation and registration.

5 (d) Upon registration of the empowerment school designation by the commissioner of  
6 elementary and secondary education, the commissioner shall be deemed to have authorized all  
7 necessary variances from statutes and regulations enumerated in the application.

8 **16-3.2-4. Empowerment school principal.** – (a) Principals of empowerment schools  
9 shall be the educational leaders and administrators of their schools and shall supervise the  
10 operation and management of their schools and school property. It shall be the responsibility of  
11 the principal to promote participatory decision-making among all professional staff for the  
12 purposes of developing educational policy and practices. The term professional staff shall include  
13 all teachers, administrators, instructional leaders, specialists, and related service providers who  
14 are certified by the state as education professionals. Principals employed under this section shall  
15 be responsible for recommending the hiring and assigning all teachers and other professional  
16 staff, athletic coaches, instructional or administrative aides and any other personnel assigned to  
17 the school and for terminating all such personnel, subject to this chapter and the review and  
18 approval of the superintendent. Any assignment to an empowerment school of a teacher  
19 previously employed in another school in the district including, but not limited to, voluntary  
20 transfer, involuntary transfer, reduction in force, and recall, shall be subject to the approval of the  
21 principal, consistent with the district collective bargaining agreement and school-based  
22 amendments as defined in §16-3.2-4(f). No teacher or staff may be laid-off, suspended or  
23 terminated by a school district who would not otherwise have been laid-off, suspended or  
24 terminated except for an employment decision by an empowerment school principal pursuant to  
25 this section.

26 (b) The principal of the empowerment school shall serve at the pleasure of the  
27 superintendent with the advice and consent of the school committee through a written contract not  
28 to exceed three (3) years.

29 **16-3.2-5. Budgets and funding.** – (a) All services centrally or otherwise provided by the  
30 school district in which the empowerment school is located which the empowerment school  
31 decides to utilize including, but not limited to, financial services, transportation, food services,  
32 custodial services, maintenance, curriculum, professional development, media services, libraries,  
33 nursing, and warehousing, shall be subject to negotiation between the empowerment school and  
34 the school district in which the empowerment school is located and paid for out of the revenues of

1 the empowerment school.

2 Nothing in this chapter shall prevent empowerment schools from electing to receive the  
3 same district services as it did prior to the empowerment school designation.

4 (b) An empowerment school shall be eligible to receive other aids, grants, Medicaid  
5 revenue, and other revenue according to Rhode Island law, as though it were a school district.  
6 Federal aid received by the state shall be used to benefit students in the empowerment school, if  
7 the school qualifies for the aid, as though it were a school district.

8 (c) An empowerment school may negotiate and contract directly with third parties for the  
9 purchase goods and services, consistent with applicable law.

10 **16-3.2-6. Review of empowerment schools.** – Each empowerment school shall be  
11 reviewed by the department of elementary and secondary education on a schedule determined by  
12 the commissioner. Based on an evaluation of the empowerment school's plan, its impact on  
13 student achievement, or its impact on the health and welfare of its students or staff, the  
14 commissioner may, in extreme circumstances and at any time during the empowerment school's  
15 authorized period of operation, recommend to the council on elementary and secondary education  
16 that the empowerment school's designation and registration, and/or its open enrollment  
17 designation, be revoked. Prior to recommending to the council that a empowerment school's  
18 designation and registration be revoked, the commissioner shall provide the school,  
19 superintendent, and school committee with specific notice of the reasons for revocation and grant  
20 the school and school committee an opportunity to be heard in accordance with the process set  
21 forth in chapter 39 of this title.

22 **16-3.2-7. Portions of title 16 applicable to empowerment schools.** – In addition to  
23 federal law and this chapter, the following provisions of this title shall be binding on  
24 empowerment schools. Accordingly, school committees may not endorse, nor may the  
25 commissioner approve any request for waiver of the following provisions pursuant to this  
26 chapter:

- 27 (1) Section 16-2-2 (minimum length of school year);
- 28 (2) Section 16-2-17 (right to a safe school);
- 29 (3) Section 16-8-10 (federal funds for school lunch);
- 30 (4) Section 16-12-3 (duty to cultivate principles of morality);
- 31 (5) Section 16-12-10 (immunity for report of suspected substance abuse);
- 32 (6) Sections 16-13-2, 16-13-3 (teachers' tenure)
- 33 (7) Section 16-16-2 (teachers' retirement);
- 34 (8) Section 16-19-1 (compulsory attendance);

- 1 [\(9\) Section 16-20-1 \(school holidays enumerated\);](#)
- 2 [\(10\) Sections 16-21-3 and 16-21-4 \(fire safety\);](#)
- 3 [\(11\) Sections 16-21-10, 16-21-14, and 16-21-16 \(health screenings\);](#)
- 4 [\(12\) Section 16-22-9 \(uniform testing\);](#)
- 5 [\(13\) Section 16-24-2 \(regulations of state board pertaining to children with disabilities\);](#)
- 6 [\(14\) Section 16-38-1 \(discrimination because of race or age\);](#)
- 7 [\(15\) Section 16-38-1.1 \(discrimination because of sex\);](#)
- 8 [\(16\) Section 16-38-2 \(immunizations\);](#)
- 9 [\(17\) Section 16-38-4 \(exclusive clubs\);](#)
- 10 [\(18\) Section 16-38-6 \(commercial activities prohibited\);](#)
- 11 [\(19\) Section 16-38-9 \(misconduct of school officers\);](#)
- 12 [\(20\) Section 16-38-10 \(power of officials to visit schools\);](#)
- 13 [\(21\) Section 16-39-1 \(appeal of matters of dispute to commissioner\);](#)
- 14 [\(22\) Section 16-39-2 \(appeal of school committee actions to commissioner\);](#)
- 15 [\(23\) Section 16-39-3 \(appeal to state board\);](#)
- 16 [\(24\) Section 16-39-3.1 \(enforcement of final decision\);](#)
- 17 [\(25\) Section 16-39-3.2 \(interim protective orders\);](#)
- 18 [\(26\) Section 16-39-8 \(subpoena power of commissioner\);](#)
- 19 [\(27\) Section 16-40-16 \(student records\);](#)
- 20 [\(28\) Section 16-71-1 \(Educational Record Bill of Rights Act\);](#)
- 21 [\(29\) Section 16-21-21.1 \(Penalties for drug, alcohol or weapons offenses\);](#)
- 22 [\(30\) Chapter 21.5 of title 16 \(Student interrogations\).](#)

23 [Although waivers for §16-11-1 \(teacher certification\) are permissible, consistent with the](#)  
24 [locally approved plan, teachers in an empowerment school must hold at least one teacher](#)  
25 [certification, which may be different than the certification associated with their assignment,](#)  
26 [unless such teacher is assigned to teach in a shortage area, whereby the teacher shall be provided](#)  
27 [with school-based support and work toward a certification to be awarded within five years of the](#)  
28 [date of assignment at the empowerment school.](#)

29 **16-3.2-8. Appropriation.** – [The general assembly may annually appropriate funds to](#)  
30 [support empowerment schools. This appropriation shall be managed by the department of](#)  
31 [elementary and secondary education.](#)

32 **16-3.2-9. Regulations.** – [The department of elementary and secondary education shall](#)  
33 [promulgate such regulations as are necessary to implement fully the purposes of this chapter.](#)

34 SECTION 8. Section 16-95-4 of the General Laws in Chapter 16-95 entitled "The

1 Recovery High Schools Act [See Title 16 Chapter 97 - The Rhode Island Board of Education  
2 Act]" is hereby amended to read as follows:

3 **16-95-4. Transfer of aid.** -- (a) Any school district in Rhode Island that may have a  
4 student or students who are currently or were last enrolled in said district and who are ~~considered~~  
5 ~~by the sending district to be both clinically and academically appropriate for referral~~ diagnosed  
6 with substance use disorder or dependency, as defined by the diagnostic and statistical manual of  
7 mental disorders IV-TR may be referred to a Rhode Island recovery high school ~~may be referred~~  
8 by a clinician licensed pursuant to chapter 69 of title 5 for voluntary enrollment in such school. If  
9 said student is admitted to said school, the sending school district shall ensure that payment  
10 pursuant to subsection (b) herein for students who attend the recovery high school is paid, and  
11 further, that upon completion of all other graduation requirements, said student or students shall  
12 receive a diploma.

13 (b) A sending school district shall transfer the per pupil ~~allotment it receives~~ core  
14 instructional amount pursuant to chapter 16-7.2 ("The Education Equity and Property Tax Relief  
15 Act") to a recovery high school for any student attending the recovery high school and meeting  
16 the following criteria: (1) The student is currently enrolled in the district or currently resides in  
17 the municipality in which the district is located; (2) The student is considered by a clinician  
18 licensed pursuant to ~~42-35~~ chapter 69 of title 5, to be clinically appropriate, using the criteria for  
19 substance use disorders as defined in the diagnostic and statistical manual of mental disorders IV-  
20 TR; and (3) The student meets all matriculation criteria as outlined by the sending district and the  
21 department of elementary and secondary education, with determination of academic eligibility  
22 based on existing documentation provided by the district. The district and the recovery high  
23 school shall arrange to confer a diploma when a student completes state and district-mandated  
24 graduation requirements. ~~The local share of education funding shall be paid to the recovery high~~  
25 ~~school in the same manner as the local share of education funding is paid to charter public~~  
26 ~~schools, the William M. Davies, Jr. Career and Technical High School, and the Metropolitan~~  
27 ~~Regional Career and Technical Center, as outlined in § 16-7.2-5.~~

28 (c) For FY 2017, the state shall appropriate no less than five hundred thousand dollars  
29 (\$500,000) for the administration and programmatic costs of each recovery high school.

30 ~~(e)~~(d) A recovery high school shall submit to the ~~board of regents~~ council on elementary  
31 and secondary education academic data considered necessary by the board to provide information  
32 regarding each student's academic performance, subject to applicable health confidentiality laws  
33 and regulations.

34 ~~(d)~~(e) The ~~board of regents~~ council on elementary and secondary education, in

1 consultation with the department of behavioral health, developmental disabilities and hospitals  
2 shall promulgate rules and regulations as necessary to implement and carry out the intent of this  
3 chapter.

4 SECTION 9. This article shall take effect upon passage.

5