

2021 -- S 0461

LC002274

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION - STATE AID

Introduced By: Senators Cano, Seveney, Pearson, Murray, and Gallo

Date Introduced: March 04, 2021

Referred To: Senate Education

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

19 (b) If the violation is for nonpayment of tuition, the following process shall occur:

1 (1) The creditor community or LEA shall notify the department of the violation no later
2 than thirty (30) days after learning that the violation occurred.

3 ~~(2) and it has been determined by the~~ The commissioner shall determine that whether the
4 tuition is, in fact, owed, no later than thirty (30) days after being notified by the creditor community
5 or LEA.

6 ~~(3) then the~~ The commissioner shall, subject to the debtor community's or LEA's right to
7 appeal to the superior court, order the general treasurer to deduct the amount owed from the debtor
8 community's or LEA's school aid and to pay the community or LEA which is owed the tuition.

9 ~~(c) The board of regents for~~ council on elementary and secondary education shall report to
10 the general assembly annually all infractions of school law which shall be brought to its attention,
11 with a record of this action as the department shall have taken in each instance.

12 SECTION 2. Section 16-7.2-3 of the General Laws in Chapter 16-7.2 entitled "The
13 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

14 **16-7.2-3. Permanent foundation education aid established.**

15 (a) Beginning in the 2012 fiscal year, the following foundation education-aid formula shall
16 take effect. The foundation education aid for each ~~district~~ local education agency (LEA) shall be
17 the sum of the core instruction amount in subdivision (a)(1) and the amount to support high-need
18 students in subdivision (a)(2), which shall be multiplied by the ~~district~~ LEA state-share ratio
19 calculated pursuant to § 16-7.2-4 to determine the foundation aid.

20 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-
21 instruction amount as established by the department of elementary and secondary education
22 (department), derived from the average of northeast regional expenditure data for the states of
23 Rhode Island, Massachusetts, Connecticut, and New Hampshire from the National Center for
24 Education Statistics (NCES) that will adequately fund the student instructional needs as described
25 in the basic education program and multiplied by the ~~district~~ LEA average daily membership as
26 defined in § 16-7-22. Expenditure data in the following categories: instruction and support services
27 for students, instruction, general administration, school administration, and other support services
28 from the National Public Education Financial Survey, as published by NCES, and enrollment data
29 from the Common Core of Data, also published by NCES, will be used when determining the core-
30 instruction amount. The core-instruction amount will be updated annually. For the purpose of
31 calculating this formula, ~~school districts'~~ LEAs' resident average daily membership shall exclude
32 charter school and state-operated school students.

33 (2) The amount to support high-need students beyond the core-instruction amount shall be
34 determined by multiplying a student success factor of forty percent (40%) by the core instruction

1 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child
2 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty
3 guidelines, hereinafter referred to as "poverty status."

4 (b) The department ~~of elementary and secondary education~~ shall provide an estimate of the
5 foundation education aid cost as part of its budget submission pursuant to § 35-3-4. The estimate
6 shall include the most recent data available as well as an adjustment for average daily membership
7 growth or decline based on the prior year experience.

8 (c) In addition, the department shall report updated figures based on the average daily
9 membership as of October 1 by December 1.

10 (d) The department shall report updated figures based on the average daily membership as
11 of February 1 by February 15. Included in this report, the department shall specifically identify the
12 number of students who began the academic year at one LEA in the state but, as of the February 1
13 report, had transferred to a different LEA within the state. The department shall notify the
14 appropriate LEAs of any such transfers by February 15. For every student who transferred, the
15 initial LEA shall cause tuition to be paid to the new LEA, prorated as of the February 1 report, by
16 March 1.

17 ~~(d)~~(e) ~~Local education agencies~~ LEAs may set aside a portion of funds received under
18 subsection (a) to expand learning opportunities such as after school and summer programs, full-
19 day kindergarten and/or multiple pathway programs, provided that the basic education program and
20 all other approved programs required in law are funded.

21 ~~(e)~~(f) The department ~~of elementary and secondary education~~ shall promulgate such
22 regulations as are necessary to implement fully the purposes of this chapter.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would establish a process for reporting violations relating to the nonpayment of
2 tuition between local education agencies (LEAs) within thirty (30) days and a process to reallocate
3 tuition for students transferring from one LEA to another as of February 1 of each year.

4 This act would take effect upon passage.

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