

2021 -- S 0757

=====
LC002275
=====

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. Chapter 5-44 of the General Laws entitled "Psychologists" is hereby amended
2 by adding thereto the following section:

3 **5-44-9.1. Qualifications of licensed school psychologists.**

4 An applicant for licensure shall submit to the board written evidence satisfying the criteria
5 of either subsections (1), (2), (3), and (4) of this section, or subsections (1) and (5) of this section,
6 on forms furnished by the professional regulation unit of the department of labor and training
7 verifying, under oath, that the applicant:

8 (1) Is of good moral character;

9 (2) Has obtained an advanced graduate degree in school psychology from a regionally
10 accredited college or university, whose school psychology program is accredited by the American
11 Psychological Association (APA) and/or the National Association of School Psychologists (NASP)
12 and requires at least sixty (60) graduate credits with one thousand two hundred (1,200) hours of
13 supervised school psychology experience;

14 (3) Has two (2) years or two thousand four hundred (2,400) hours of postgraduate
15 supervised experience as a school psychologist;

16 (4) Has passed the educational testing service's school psychology examination, as
17 determined by the national school psychology certification board;

18 (5) Has obtained credentials as a nationally certified school psychologist by the NASP.

19 **5-44-9.2. Scope of practice of licensed school psychologists.**

1 (a) A licensed school psychologist may only engage in the practice of school psychology
2 in public schools kindergarten through grade twelve (K-12), early childhood and pre-K settings,
3 and in private and charter public schools as an employee or consultant to the local education agency
4 or school. Licensed school psychologists may not practice outside of these settings or independent
5 of an employment or consulting relationship with a local education agency or school.

6 (b) The board of psychology shall further define the practice of school psychology in rules
7 and regulations.

8 SECTION 2. Section 16-7.2-6 of the General Laws in Chapter 16-7.2 entitled "The
9 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

10 **16-7.2-6. Categorical programs, state funded expenses.**

11 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the permanent
12 foundation education-aid program shall provide direct state funding for:

13 (a) Excess costs associated with special education students. Excess costs are defined when
14 an individual special education student's cost shall be deemed to be "extraordinary." Extraordinary
15 costs are those educational costs that exceed the state-approved threshold based on an amount
16 above five times the core foundation amount (total of core-instruction amount plus student success
17 amount). The department of elementary and secondary education (department) shall prorate the
18 funds available for distribution among those eligible school districts if the total approved costs for
19 which school districts are seeking reimbursement exceed the amount of funding appropriated in
20 any fiscal year; and the department of elementary and secondary education shall also collect data
21 on those educational costs that exceed the state-approved threshold based on an amount above two
22 (2), three (3), and four (4) times the core-foundation amount;

23 (b) Career and technical education costs to help meet initial investment requirements
24 needed to transform existing, or create new, comprehensive, career and technical education
25 programs and career pathways in critical and emerging industries and to help offset the higher-
26 than-average costs associated with facilities, equipment maintenance and repair, and supplies
27 necessary for maintaining the quality of highly specialized programs that are a priority for the state.
28 The department shall develop criteria for the purpose of allocating any and all career and technical
29 education funds as may be determined by the general assembly on an annual basis. The department
30 of elementary and secondary education shall prorate the funds available for distribution among
31 those eligible school districts if the total approved costs for which school districts are seeking
32 reimbursement exceed the amount of funding available in any fiscal year;

33 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten programs.
34 The department shall recommend criteria for the purpose of allocating any and all early childhood

1 program funds as may be determined by the general assembly;

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

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

23 (f) Excess costs associated with transporting students within regional school districts. This
24 fund will provide direct state funding for the excess costs associated with transporting students
25 within regional school districts, established pursuant to chapter 3 of this title. This fund requires
26 that the state and regional school district share equally the student transportation costs net any
27 federal sources of revenue for these expenditures. The department of elementary and secondary
28 education shall prorate the funds available for distribution among those eligible school districts if
29 the total approved costs for which school districts are seeking reimbursement exceed the amount
30 of funding available in any fiscal year;

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

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

1 School district;

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

7 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
8 state's share of the foundation education aid for the regionalized district as calculated pursuant to
9 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

10 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
11 state's share of the foundation education aid for the regionalized district as calculated pursuant to
12 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

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

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

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

20 (h) Additional state support for English learners (EL). The amount to support EL students
21 shall be determined by multiplying an EL factor of ten percent (10%) by the core-instruction per-
22 pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of additional state support to
23 EL students identified using widely adopted, independent standards and assessments identified by
24 the commissioner. All categorical funds distributed pursuant to this subsection must be used to
25 provide high-quality, research-based services to EL students and managed in accordance with
26 requirements set forth by the commissioner of elementary and secondary education. The
27 department of elementary and secondary education shall collect performance reports from districts
28 and approve the use of funds prior to expenditure. The department of elementary and secondary
29 education shall ensure the funds are aligned to activities that are innovative and expansive and not
30 utilized for activities the district is currently funding. The department of elementary and secondary
31 education shall prorate the funds available for distribution among eligible recipients if the total
32 calculated costs exceed the amount of funding available in any fiscal year;

33 (i) State support for school resource officers. For purposes of this subsection, a school
34 resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority

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

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

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

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

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

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

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

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

22 (1) For a period of three (3) years, local education agencies (LEAs) shall receive direct
23 state support for costs associated with hiring mental and behavioral health professionals including,
24 but not limited to, school psychologists, social workers, or counselors. After accounting for any
25 federal funds or federal, state, or local grants received toward the costs associated with such a
26 position, LEAs shall be reimbursed an amount equal to one-half (1/2) of the cost of salaries and
27 benefits that remain the LEA's responsibility.

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

30 (i) Schools choosing to hire social workers under this provision shall maintain a ratio of no
31 greater than four hundred (400) students to one social worker;

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

34 (iii) Schools choosing to hire school counselors under this provision shall maintain a ratio

1 of no greater than two hundred (250) students to one counselor;

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

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

9 (5) Schools within the same LEA may share mental or behavioral health professionals,
10 provided that:

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

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

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

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

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

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

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

=====
LC002275
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - EDUCATION - PSYCHOLOGISTS

1 This act would create minimum qualifications for school psychologists and establish the
2 scope of their practice within schools. This act would also establish state support for school-based
3 mental health services.

4 This act would take effect upon passage.

=====
LC002275
=====