

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX  
RELIEF ACT

Introduced By: Representatives Noret, Casimiro, McNamara, Amore, Corvese, Solomon,  
Azzinaro, Diaz, Kazarian, and Alzate

Date Introduced: February 18, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-7.2-3 and 16-7.2-4 of the General Laws in Chapter 16-7.2 entitled  
2 "The Education Equity and Property Tax Relief Act" are hereby amended to read as follows:

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

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

9 (1) The core-instruction amount shall be an amount equal to a statewide, per-pupil core-  
10 instruction amount as established by the department of elementary and secondary education,  
11 derived from the average of northeast regional expenditure data for the states of Rhode Island,  
12 Massachusetts, Connecticut, and New Hampshire from the National Center for Education Statistics  
13 (NCES) that will adequately fund the student instructional needs as described in the basic education  
14 program and multiplied by the district average daily membership as defined in § 16-7-22.  
15 Expenditure data in the following categories: instruction and support services for students,  
16 instruction, general administration, school administration, and other support services from the  
17 National Public Education Financial Survey, as published by NCES, and enrollment data from the  
18 Common Core of Data, also published by NCES, will be used when determining the core-

1 instruction amount. The core-instruction amount will be updated annually. For the purpose of  
2 calculating this formula, school districts' resident average daily membership shall exclude charter  
3 school and state-operated school students.

4 (2) The amount to support high-need students beyond the core-instruction amount shall be  
5 determined by multiplying a student success factor of forty percent (40%) by the core instruction  
6 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child  
7 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty  
8 guidelines, hereinafter referred to as "poverty status." [Provided, the methods and measurements](#)  
9 [provided for in § 16-7.2-3\(f\) shall be applied.](#)

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

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

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

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

22 [\(f\) The department of elementary and secondary education shall develop proper methods](#)  
23 [and measures to ensure that school districts are credited with proper per-pupil poverty counts,](#)  
24 [which methods or measures shall not rely on the school lunch delivery program the department](#)  
25 [currently administers. Those methods and measures shall be updated annually and uniformly to](#)  
26 [verifiable metrics.](#)

27 **16-7.2-4. Determination of state's share.**

28 (a) For each district, the state's share of the foundation education aid calculated pursuant  
29 to § 16-7.2-3(a) shall use a calculation that considers a district's revenue-generating capacity and  
30 concentration of high-need students. The calculation is the square root of the sum of the state-share  
31 ratio for the community calculation, pursuant to § 16-7-20, squared plus the district's percentage of  
32 students in grades PK-6 in poverty status squared, divided by two. [Provided, the methods and](#)  
33 [measurements provided for in § 16-7.2-4\(c\) shall be applied.](#)

34 (b) For purposes of determining the state's share, school district student data used in this

1 calculation shall include charter school and state school students. These ratios are used in the  
2 permanent foundation education aid formula calculation described in § 16-7.2-5.

3 [\(c\) The department shall develop proper methods and measures to ensure school districts](#)  
4 [are credited with proper per-pupil poverty counts, which methods or measures shall not rely on the](#)  
5 [school lunch delivery program the department currently administers. Those methods and measures](#)  
6 [shall be updated annually and uniformly to verifiable metrics.](#)

7 SECTION 2. 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 mandate the department of education to provide a proper measurement of  
2 the per-pupil poverty count other than the current lunch delivery method, to ensure that school  
3 districts are credited accordingly.

4           This act would take effect upon passage.

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