

2023 -- S 0699 SUBSTITUTE A

LC001568/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO EDUCATION -- EDUCATION SERVICES TO VERY YOUNG CHILDREN

Introduced By: Senators Gallo, DiPalma, Ciccone, Pearson, and Cano

Date Introduced: March 22, 2023

Referred To: Senate Education

(Dept. of Education)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-48-1 and 16-48-2 of the General Laws in Chapter 16-48 entitled
2 "Educational Services to Very Young Children" are hereby amended to read as follows:

3 **16-48-1. Applicability.**

4 This chapter shall pertain to ~~private nursery schools and other regular programs~~ any
5 program of educational services to children between the ages of ~~two (2) years eight (8) months~~
6 three (3) and ~~six (6)~~ five (5) years of age ~~where the schools and programs operate one or more~~
7 ~~sessions daily. It does not include bona fide kindergarten and nursery classes which are part of a~~
8 ~~nonpublic elementary school system~~ that is offered by any public school or any private school that
9 has been approved pursuant to §§ 16-1-5 and 16-60-6 and any regulations promulgated thereunder.

10 **16-48-2. Establishment and operation of schools and programs.**

11 ~~(a) No~~ Commencing June 1, 2025, any person, unincorporated society, association, or
12 corporation desiring to operate a ~~school or~~ program ~~as~~ defined in this chapter shall ~~be permitted to~~
13 ~~establish and maintain a school or program unless and until an application has been filed with the~~
14 ~~commissioner of elementary and secondary education and suitable provision has been made to~~
15 ~~fulfill any minimum requirements of adequate faculty, health, safety, sanitation, site, physical plant,~~
16 ~~educational program, and any other standards that may be established through rules and regulations~~
17 ~~promulgated by the commissioner of elementary and secondary education. Upon satisfactory~~
18 ~~compliance with the standards as established by the commissioner of elementary and secondary~~
19 ~~education, along with the certification by the appropriate fire, health, and building inspectors, the~~

1 ~~school or program shall be approved for a period of one year, which approval shall require renewal~~
2 ~~unless sooner revoked by the commissioner for cause~~ receive and maintain a rating through Rhode
3 Island's quality rating and improvement system, which rating shall remain in effect unless revoked
4 for cause by the commissioner of elementary and secondary education.

5 ~~(b) Upon application to establish a school or program as defined in this chapter or to renew~~
6 ~~the application, the applicant will submit the names of its owner, officers, and employees. The~~
7 ~~commissioner of elementary and secondary education may request the bureau of criminal~~
8 ~~identification of the state police to conduct a nationwide criminal records check of the owners,~~
9 ~~officers, and employees of the school or program and the bureau of criminal identification of the~~
10 ~~state police will conduct criminal records checks on request. To accomplish nationwide criminal~~
11 ~~records checks, the commissioner may require owners, officers, and employees of the schools or~~
12 ~~programs to be fingerprinted by the bureau of criminal identification of the state police. The~~
13 ~~commissioner may examine these criminal records checks to aid in determining the suitability of~~
14 ~~the applicant for approval or renewal of approval.~~

15 SECTION 2. Sections 16-48-4, 16-48-5, 16-48-6, 16-48-7, 16-48-8 and 16-48-9 of the
16 General Laws in Chapter 16-48 entitled "Educational Services to Very Young Children" are hereby
17 repealed.

18 **16-48-4. Enforcement.**

19 ~~It shall be the duty of the commissioner of elementary and secondary education to~~
20 ~~prosecute any person, firm, or corporation violating the provisions of this chapter, and the~~
21 ~~commissioner or any duly authorized agent of the commissioner may make complaint for the~~
22 ~~violation of the provisions of this chapter, and the commissioner or agent making the complaint~~
23 ~~shall not be required to give surety for the payment of cost.~~

24 **16-48-5. Revocation of approval.**

25 ~~The commissioner of elementary and secondary education may revoke or refuse to renew~~
26 ~~the approval of any nursery school or program approved upon reasonable notice to the school~~
27 ~~authorities and provided that a hearing on the revocation shall be afforded the parties. Grounds for~~
28 ~~revocation or refusal to renew shall include:~~

29 ~~(1) Failure to maintain standards;~~

30 ~~(2) Refusal to submit proper reports or records;~~

31 ~~(3) Refusal to admit authorized representatives of the department of elementary and~~
32 ~~secondary education;~~

33 ~~(4) Furnishing or making misleading or false statements or reports;~~

34 ~~(5) Failure to maintain adequate financial resources; or~~

1 ~~(6) Any other cause which, in the opinion of the commissioner, may be detrimental to the~~
2 ~~health, education, safety, or welfare of the children involved.~~

3 ~~**16-48-6. Penalty.**~~

4 ~~Every person who violates any of the provisions of this chapter by conducting a school or~~
5 ~~program without first having obtained approval as provided in this chapter, or who shall refuse to~~
6 ~~permit a reasonable inspection and examination of a facility as provided in this chapter, or who~~
7 ~~shall intentionally make any false statements or reports to the commissioner of elementary and~~
8 ~~secondary education or the commissioner's agents with reference to the matters contained in these~~
9 ~~statements or reports, or who conducts this facility after approval has been revoked or suspended~~
10 ~~shall, upon conviction of the first offense, be imprisoned for a term not exceeding six (6) months~~
11 ~~or be fined not exceeding one hundred dollars (\$100) for each week that the facility shall have been~~
12 ~~maintained without approval, and on the second or subsequent offense shall be imprisoned for a~~
13 ~~term not exceeding one year or be fined not exceeding five hundred dollars (\$500) for each week~~
14 ~~that the facility shall have been maintained without approval or both the fine and imprisonment.~~

15 ~~**16-48-7. Injunctive relief.**~~

16 ~~The superior court is empowered and authorized to grant appropriate injunctive relief for~~
17 ~~violations of the provisions of this chapter. All applications for injunctive relief shall be brought~~
18 ~~by the commissioner of elementary and secondary education in the superior court. The~~
19 ~~commissioner may enforce the provisions of this chapter through proceedings either under this~~
20 ~~section or § 16-48-6 or under both this section and § 16-48-6.~~

21 ~~**16-48-8. Destruction of fingerprint records.**~~

22 ~~At the conclusion of any background check required by this chapter, the state police will~~
23 ~~promptly destroy the fingerprint card of the applicant.~~

24 ~~**16-48-9. Non-governmental funding for early childhood education.**~~

25 ~~There is hereby established in the department of elementary and secondary education an~~
26 ~~early childhood education program restricted receipt account referred to as "Early Childhood Grant~~
27 ~~Program Account." The department of elementary and secondary education shall deposit into this~~
28 ~~account any funds received from non-governmental sources for the purpose of funding early~~
29 ~~childhood education programs. All such sums deposited shall be exempt from the indirect cost~~
30 ~~recovery provisions of § 35-4-27.~~

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- EDUCATION SERVICES TO VERY YOUNG CHILDREN

1 This act would amend the applicability of the chapter on education services to very young
2 children, to children aged three (3) to five (5) years of age and would require that, effective July 1,
3 2025, persons operating schools must maintain a rating through the quality rating and improvement
4 system to be permitted to establish or maintain any school and would repeal several sections of law
5 relative to the revocation of approval to operate a school.

6 This act would take effect upon passage.

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