

2019 -- S 0043

LC000644

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

Introduced By: Senators DiPalma, Picard, Pearson, Murray, and Seveney

Date Introduced: January 16, 2019

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled  
2 "Residence of Children for School Purposes" is hereby amended to read as follows:

3 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**  
4 **foster care, group homes, or other residential facility by a Rhode Island state agency.**

5 (a) Children placed in foster care by a Rhode Island-licensed child-placing agency or a  
6 Rhode Island governmental agency shall be entitled to the same free, appropriate public education  
7 provided to all other residents of the city or town where the child is placed.

8 (1) The city or town shall pay the cost of the education of the child during the time the  
9 child is in foster care in the city or town-, provided that,

10 (2) The state shall reimburse the city or town for any cost associated with transporting the  
11 child to an educational facility outside of the regional transportation district provided in § 16-  
12 21.1-2.

13 (b) Children placed by the department of children, youth and families (DCYF) in a group  
14 home or other residential facility that does not include the delivery of educational services are to  
15 be educated by the community in which the group home or other residential facility is located,  
16 and those children shall be entitled to the same free, appropriate public education provided to all  
17 other residents of the city or town where the child is placed. For purposes of payment and  
18 reimbursement for educational costs under this chapter, the term "group home or other residential  
19 facility" shall not include independent-living programs. Each city and town that contains one or

1 more group homes or other residential facilities that do not include delivery of educational  
2 services will receive funds as part of state aid to education in accordance with the following  
3 provisions:

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

11 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by DCYF  
12 for a school district by December 31, 2007, is greater than the number certified March 14, 2007,  
13 upon which the education aid for FY 2008 was appropriated, the education aid for that district  
14 will be increased by the number of increased beds multiplied by fifteen thousand dollars  
15 (\$15,000). Notwithstanding the provisions of this section or any law to the contrary, the education  
16 aid for all 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) per bed. The Department of  
19 Elementary and Secondary Education shall include the additional aid in equal payments in March,  
20 April, May, and June, and the Governor's budget recommendations pursuant to § 35-3-8 shall  
21 include the amounts required to provide the increased aid.

22 For all fiscal years beginning after June 30, 2016, education aid for each school district  
23 shall include seventeen thousand dollars (\$17,000) for each bed certified by DCYF by the  
24 preceding December 31. Notwithstanding the provisions of this section or any law to the contrary,  
25 the education aid for all group home or other residential facility "beds" located or associated with  
26 the Children's Residential and Family Treatment (CRAFT) program located on the East  
27 Providence campus of Bradley Hospital shall be twenty-six thousand dollars (\$26,000) per bed.  
28 For all fiscal years beginning after June 30, 2008, whenever the number of beds certified by  
29 DCYF for a school district by December 31 is greater than the number certified the prior  
30 December 31 upon which the education aid for that fiscal year was appropriated, the education  
31 aid for that district as enacted by the assembly during the prior legislative session for that fiscal  
32 year will be increased by the number of increased beds multiplied by the amount per bed  
33 authorized for that fiscal year. The Department of Elementary and Secondary Education shall  
34 include the additional aid in equal payments in March, April, May, and June, and the Governor's

1 budget recommendations pursuant to § 35-3-8 shall include the amounts required to provide the  
2 increased aid.

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

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

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

16 (2) The facility is state licensed; and

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

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

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1           This act would require the state to reimburse the city or town for any costs associated  
2 with transporting children placed in foster care by a Rhode Island-licensed child-placing agency  
3 or a Rhode Island governmental agency to an educational facility outside the regional  
4 transportation district.

5           This act would take effect upon passage.

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