

ARTICLE 8

RELATING TO EDUCATION

SECTION 1. Sections 16-7-20, 16-7-39, 16-7-40 and 16-7-41.1 of the General Laws in Chapter 16-7 entitled "Foundation Level School Support [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" are hereby amended to read as follows:

16-7-20. Determination of state's share.

(a) For each community the state's share shall be computed as follows: Let

R = state share ratio for the community.

v = adjusted equalized weighted assessed valuation for the community, as defined in

§ 16-7-21(3).

V = sum of the values of v for all communities.

m = average daily membership of pupils in the community as defined in § 16-7-22(3).

M = total average daily membership of pupils in the state.

E = approved reimbursable expenditures for the community for the reference year minus the excess costs of special education, tuitions, federal and state receipts, and other income.

Then the state share entitlement for the community shall be RE where

$R = 1 - 0.5vM/(Vm)$ through June 30, 2011, and $R = 1 - 0.475 vM/(Vm)$ beginning on July 1, 2011 and thereafter.

Except that in no case shall R be less than zero percent (0%).

(b) Whenever any funds are appropriated for educational purposes, the funds shall be used for educational purposes only and all state funds appropriated for educational purposes must be used to supplement any and all money allocated by a city or town for educational purposes and in no event shall state funds be used to supplant, directly or indirectly, any money allocated by a city or town for educational purposes. The courts of this state shall enforce this section by writ of mandamus.

(c) Notwithstanding the calculations in subsection (a), the hospital school at the Hasbro Children's Hospital shall be reimbursed one hundred percent (100%) of all expenditures approved by the council on elementary and secondary education in accordance with currently existing rules and regulations for administering state aid, and subject to annual appropriations by the general

1 assembly including, but not limited to, expenditures for educational personnel, supplies, and
2 materials in the prior fiscal year.

3 (d) In the event the computation of the state's share for any local education agency as
4 outlined in subsection (a) is determined to have been calculated incorrectly after the state budget
5 for that fiscal year has been enacted, the commissioner of elementary and secondary education shall
6 notify affected local education agencies, the senate president, and the speaker of the house within
7 fifteen (15) days of the determination.

8 (e) Realignment of aid payments to the affected local education agencies pursuant to
9 subsection (d) shall occur in the following fiscal year:

10 (1) If the determination shows aid is underpaid to the local education agency, any amounts
11 owed shall be paid in equal monthly installments.

12 (2) If the determination shows aid was overpaid, the department of elementary and
13 secondary education shall recapture some amount of the aid from the overpaid local education
14 agency. The amount to be withheld shall be equal to the amount of the overpayment prorated to the
15 number of full months remaining in the fiscal year when the notification required in subsection (d)
16 was made.

17 (f) The above notwithstanding, in no event shall the total paid to a local education agency
18 in the 2023 fiscal year pursuant to subsection (a) be reduced as a result of the implementation of
19 subsection (e); provided, however, that for the 2022 fiscal year, the full amount of any payment
20 due to an underpayment and realignment under subsection (e)(1) shall be made for fiscal year 2022.

21 (g) Data used for the calculation of the FY 2022 state share ratio shall also be used for the
22 calculation of the FY 2023 state share ratio.

23 **16-7-39. Computation of school housing-aid ratio.**

24 For each community, the percent of state aid for school housing costs shall be computed in
25 the following manner:

26 (1) The adjusted equalized weighted assessed valuation for the district is divided by the
27 resident average daily membership for the district (grades twelve (12) and below); (2) The adjusted
28 equalized weighted assessed valuation for the state is divided by the resident average daily
29 membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the resultant
30 ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents the
31 approximate average district share of school support; the resulting product is then subtracted from
32 one hundred percent (100%) to yield the housing aid share ratio, provided that in no case shall the
33 ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and annually at the
34 start of each fiscal year thereafter, the thirty percent (30%) floor on said housing-aid share shall be

1 increased by five percent (5%) increments each year until said floor on the housing-aid share ratio
2 reaches a minimum of not less than forty percent (40%). This provision shall apply only to school
3 housing projects completed after June 30, 2010, that received approval from the board of regents
4 prior to June 30, 2012. Provided further, for the fiscal year beginning July 1, 2012, and for
5 subsequent fiscal years, the minimum housing aid share shall be thirty-five percent (35%) for all
6 projects receiving council on elementary and secondary education approval after June 30, 2012.
7 The resident average daily membership shall be determined in accordance with § 16-7-22(1).

8 (2) No district shall receive a combined total of more than twenty (20) incentive percentage
9 points for projects that commence construction by ~~December 30, 2023~~ June 30, 2023, and five (5)
10 incentive points for projects that commence construction thereafter; provided further, these caps
11 shall be in addition to amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2). Furthermore, a
12 district's share shall not be decreased by more than half of its regular share irrespective of the
13 number of incentive points received nor shall a district's state share increase by more than half of
14 its regular share, including amounts received under §§ 16-7-40(a)(1) and 16-7-40(a)(2), irrespective
15 of the number of incentive points received. Provided further that the aforementioned limit on the
16 state share increasing by more than half of its regular share shall not apply to projects submitted
17 for reimbursement after July 1, 2023.

18 **16-7-40. Increased school housing ratio.**

19 (a)(1) In the case of regional school districts, the school housing aid ratio shall be increased
20 by two percent (2%) for each grade so consolidated.

21 (2) Regional school districts undertaking renovation project(s) shall receive an increased
22 share ratio of four percent (4%) for those specific project(s) only, in addition to the combined share
23 ratio calculated in § 16-7-39 and this subsection.

24 (b) In the case of projects undertaken by districts specifically for the purposes of school
25 safety and security, the school housing aid share ratio shall be increased by five percent (5%) for
26 these specific projects only, in the calculation of school housing aid. The increased share ratio shall
27 continue to be applied for as long as the project(s) receives state housing aid. In order to qualify for
28 the increased share ratio, seventy-five percent (75%) of the project costs must be specifically
29 directed to school safety and security measures. The council on elementary and secondary
30 education shall promulgate rules and regulations for the administration and operation of this
31 section.

32 (c) For purposes of addressing health and safety deficiencies as defined by the school
33 building authority, including the remediation of hazardous materials, the school housing aid ratio
34 shall be increased by five percent (5%) so long as the construction of the project commences by

1 ~~December~~ June 30, ~~2023~~ 2024, is completed by ~~December~~ June 30, ~~2028~~ 2029, and a two hundred
2 fifty million dollar (\$250,000,000) general obligation bond is approved on the November 2018
3 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%) of the project
4 costs or a minimum of five hundred thousand dollars (\$500,000) must be specifically directed to
5 this purpose.

6 (d) For purposes of educational enhancement, including projects devoted to the
7 enhancement of early childhood education and career and technical education, the school housing
8 aid ratio shall be increased by five percent (5%) so long as construction of the project commences
9 by ~~December~~ June 30, ~~2023~~ 2024, is completed by ~~December~~ June 30, ~~2028~~ 2029, and a two
10 hundred fifty million dollar (\$250,000,000) general obligation bond is approved on the November
11 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent (25%) of the
12 project costs or a minimum of five hundred thousand dollars (\$500,000) must be specifically
13 directed to these purposes.

14 (e) For replacement of a facility that has a facilities condition index of sixty-five percent
15 (65%) or higher, the school housing ratio shall be increased by five percent (5%) so long as
16 construction of the project commences by ~~December~~ June 30, ~~2023~~ 2024, is completed by
17 ~~December~~ June 30, ~~2028~~ 2029, does not receive a bonus pursuant to subsection (f) or subsection
18 (g), and a two hundred fifty million dollar (\$250,000,000) general obligation bond is approved on
19 the November 2018 ballot. In order to qualify for the increased share ratio, twenty-five percent
20 (25%) of the project costs or a minimum of five hundred thousand dollars (\$500,000) must be
21 specifically directed to this purpose.

22 (f) For any new construction or renovation that increases the functional utilization of any
23 facility from less than sixty percent (60%) to more than eighty percent (80%), including the
24 consolidation of school buildings within or across districts, the school housing aid ratio shall be
25 increased by five percent (5%) so long as construction of the project commences by ~~December~~ June
26 30, ~~2023~~ 2024, is completed by ~~December~~ June 30, ~~2028~~ 2029, and a two hundred fifty million
27 dollar (\$250,000,000) general obligation bond is approved on the November 2018 ballot. In order
28 to qualify for the increased share ratio, twenty-five percent (25%) of the project costs or a minimum
29 of five hundred thousand dollars (\$500,000) must be specifically directed to this purpose.

30 (g) For any new construction or renovation that decreases the functional utilization of any
31 facility from more than one hundred twenty percent (120%) to between eighty-five percent (85%)
32 to one hundred five percent (105%), the school housing ratio shall be increased by five percent
33 (5%) so long as construction of the project commences by ~~December~~ June 30, ~~2023~~ 2024, is
34 completed by ~~December~~ June 30, ~~2028~~ 2029, and a two hundred fifty million dollar (\$250,000,000)

1 general obligation bond is approved on the November 2018 ballot. In order to qualify for the
2 increased share ratio, twenty-five percent (25%) of the project costs or a minimum of five hundred
3 thousand dollars (\$500,000) must be specifically directed to this purpose.

4 (h) For consolidation of two (2) or more school buildings, within or across districts into
5 one school building, the school housing aid ratio shall be increased by five percent (5%) so long as
6 construction of the project commences by ~~December~~ June 30, ~~2023~~ 2024, is completed by
7 ~~December~~ June 30, ~~2028~~ 2029, a two hundred fifty million dollar (\$250,000,000) general obligation
8 bond is approved on the November 2018 ballot, and does not receive a bonus pursuant to subsection
9 (f) or subsection (g). In order to qualify for the increased share ratio, twenty-five percent (25%) of
10 the project costs or a minimum of five hundred thousand dollars (\$500,000) must be specifically
11 directed to this purpose.

12 (i) Any regionalized and/or non-regionalized school district receiving an increased share
13 ratio for a project approved prior to July 1, 2018, shall continue to receive the increased share ratio
14 for as long as the project receives state housing aid.

15 **16-7-41.1. Eligibility for reimbursement.**

16 (a) School districts, not municipalities, may apply for and obtain approval for a project
17 under the necessity of school construction process set forth in the regulations of the council on
18 elementary and secondary education, provided, however, in the case of a municipality that issues
19 bonds through the Rhode Island health and educational building corporation to finance or refinance
20 school facilities for a school district that is not part of the municipality, the municipality may apply
21 for and obtain approval for a project. Such approval will remain valid until June 30 of the third
22 fiscal year following the fiscal year in which the council on elementary and secondary education's
23 approval is granted. Only those projects undertaken at school facilities under the care and control
24 of the school committee and located on school property may qualify for reimbursement under §§
25 16-7-35 — 16-7-47. Facilities with combined school and municipal uses or facilities that are
26 operated jointly with any other profit or nonprofit agency do not qualify for reimbursement under
27 §§ 16-7-35 — 16-7-47. Projects completed by June 30 of a fiscal year are eligible for
28 reimbursement in the following fiscal year. A project for new school housing or additional housing
29 shall be deemed to be completed when the work has been officially accepted by the school
30 committee or when the housing is occupied for its intended use by the school committee, whichever
31 is earlier.

32 (b) Notwithstanding the provisions of this section, the board of regents shall not grant final
33 approval for any project between June 30, 2011, and May 1, 2015, except for projects that are
34 necessitated by immediate health and safety reasons. In the event that a project is requested during

1 the moratorium because of immediate health and safety reasons, those proposals shall be reported
2 to the chairs of the house and senate finance committees.

3 (c) Any project approval granted prior to the adoption of the school construction
4 regulations in 2007, and which are currently inactive; and any project approval granted prior to the
5 adoption of the school construction regulations in 2007 which did not receive voter approval or
6 which has not been previously financed, are no longer eligible for reimbursement under this
7 chapter. The department of elementary and secondary education shall develop recommendations
8 for further cost containment strategies in the school housing aid program.

9 (d) Beginning July 1, 2015, the council on elementary and secondary education shall
10 approve new necessity of school construction applications on an annual basis. The department of
11 elementary and secondary education shall develop an annual application timeline for local
12 education agencies seeking new necessity of school construction approvals.

13 (e) Beginning July 1, 2019, no state funding shall be provided for projects in excess of ten
14 million dollars (\$10,000,000) unless the prime contractor for the project has received
15 prequalification from the school building authority.

16 (f) Beginning July 1, 2019, the necessity of school construction process set forth in the
17 regulations of the council on elementary and secondary education shall include a single statewide
18 process, developed with the consultation of the department of environmental management, that will
19 ensure community involvement throughout the investigation and remediation of contaminated
20 building sites for possible reuse as the location of a school. That process will fulfill all provisions
21 of § 23-19.14-5 related to the investigation of reuse of such sites for schools.

22 (g) Beginning July 1, 2019, school housing projects exceeding one million five hundred
23 thousand dollars (\$1,500,000) subject to inflation shall include an owner's program manager and a
24 commissioning agent. The cost of the program manager and commissioning agent shall be
25 considered a project cost eligible for aid pursuant to §§ 16-7-41 and 16-105-5.

26 (h) Temporary housing, or swing space, for students shall be a reimbursable expense so
27 long as a district can demonstrate that no other viable option to temporarily house students exists
28 and provided that use of the temporary space is time limited for a period not to exceed twenty-four
29 (24) months and tied to a specific construction project.

30 (i) Environmental site remediation, as defined by the school building authority, shall be a
31 reimbursable expense up to one million dollars (\$1,000,000) per project.

32 (j) If, within thirty (30) years of construction, a newly constructed school is sold to a private
33 entity, the state shall receive a portion of the sale proceeds equal to that project's housing aid
34 reimbursement rate at the time of project completion.

1 (k) All projects must comply with § 37-13-6, ensuring that prevailing wage laws are being
2 followed, and § 37-14.1-6, ensuring that minority business enterprises reach ~~a~~ [the required](#)
3 minimum ~~of ten percent (10%) of the dollar value of the bid~~ [participation](#).

4 SECTION 2. Sections 16-7.2-3, 16-7.2-4, 16-7.2-5 and 16-7.2-7 of the General Laws in
5 Chapter 16-7.2 entitled “The Education Equity and Property Tax Relief Act” are hereby amended
6 to read as follows:

7 **16-7.2-3. Permanent foundation education aid established.**

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

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

26 (2) The amount to support high-need students beyond the core-instruction amount shall be
27 determined by multiplying a student success factor of forty percent (40%) by the core instruction
28 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child
29 whose family income is at or below one hundred eighty-five percent (185%) of federal poverty
30 guidelines, hereinafter referred to as “poverty status.” By October 1, 2022, as part of its budget
31 submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter, the department of
32 elementary and secondary education shall develop and utilize a poverty measure that in the
33 department’s assessment most accurately serves as a proxy for the poverty status referenced in this
34 subsection and does not rely on the administration of school nutrition programs. The department

1 shall utilize this measure in calculations pursuant to this subsection related to the application of the
2 student success factor, in calculations pursuant to § 16-7.2-4 related to the calculation of the state
3 share ratio, and in the formulation of estimates pursuant to subsection (b) below. The department
4 may also include any recommendations which seek to mitigate any disruptions associated with the
5 implementation of this new poverty measure or improve the accuracy of its calculation. Beginning
6 with the FY 2024 calculation, students whose family income is at or below one hundred eighty-
7 five percent (185%) of federal poverty guidelines will be determined by participation in the
8 supplemental nutrition assistance program (SNAP). The number of students directly certified
9 through the Department of Human Services in grades Pre-K through six shall be multiplied by a
10 factor of 1.6.

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

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

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

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

23 (f)(1) By October 1, 2023, as part of its budget submission pursuant to § 35-3-4 relative to
24 state fiscal year 2025, the department of elementary and secondary education shall evaluate the
25 number of students by district who qualify as MLL students and MLL students whose family
26 income is at or below one-hundred eighty-five percent (185%) of federal poverty guidelines. The
27 submission shall also include segmentation of these populations by levels as dictated by the WIDA
28 multilingual learner assessment tool used as an objective benchmark for English proficiency. The
29 department shall also prepare and produce expense data sourced from the uniform chart of accounts
30 to recommend funding levels required to support students at the various levels of proficiency as
31 determined by the WIDA assessment tool. Utilizing this information, the department shall
32 recommend a funding solution to meet the needs of multi lingual learners; this may include but not
33 be limited to inclusion of MLL needs within the core foundation formula amount through one or
34 multiple weights to distinguish different students of need or through categorical means.

1 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to
2 state fiscal year 2026, the department of elementary and secondary education shall develop
3 alternatives to identify students whose family income is at or below one hundred eighty-five percent
4 (185%) of federal poverty guidelines through participation in state-administered programs,
5 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RiteCare
6 and other programs which include the collection of required supporting documentation. The
7 department may also include any recommendations which seek to mitigate any disruptions
8 associated with implementation of this new poverty measure or improve the accuracy of its
9 calculation.

10 (3) The Department shall also report with its annual budget request information regarding
11 local contributions to education aid and compliance with §§ 16-7-23 and 16-7-24. The report shall
12 also compare these local contributions to state foundation education aid by community. The
13 department shall also report compliance to each city or town school committee and city or town
14 council.

15 **16-7.2-4. Determination of state's share.**

16 (a) For each district, the state's share of the foundation education aid calculated pursuant
17 to § 16-7.2-3(a) shall use a calculation that considers a district's revenue-generating capacity and
18 concentration of high-need students. The calculation is the square root of the sum of the state-share
19 ratio for the community calculation, pursuant to § 16-7-20, squared plus the district's percentage
20 of students in grades PK-6 in poverty status squared, divided by two.

21 If this calculation results in a state share ratio that is less than the adjusted equalized
22 weighted assessed valuation calculated pursuant to § 16-7-21(3) and that district's poverty status
23 percentage as defined in § 16-7.2-3(2) is greater than fifty percent (50%), the state share ratio shall
24 be equal to the adjusted equalized weighted assessed valuation calculated pursuant to § 16-7-21(3).

25 (b) For purposes of determining the state's share, school district student data used in this
26 calculation shall include charter school and state school students. These ratios are used in the
27 permanent foundation education aid formula calculation described in § 16-7.2-5.

28 (c) There shall be a poverty loss stabilization fund for districts that experience a decline in
29 the state share ratio calculated pursuant to § 16-7.2-4(a) from the prior year of more than 2.0 percent
30 (2%). The amount shall be equal to fifty percent (50%) of the difference in the amount of permanent
31 foundation education aid received pursuant to § 16-7.2-3 received in the prior year.

32 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**
33 **High School, and the Metropolitan Regional Career and Technical Center.**

34 ~~(f) School districts with charter public school, Davies, and the Met Center enrollment, that,~~

1 ~~combined, comprise five percent (5%) or more of the average daily membership as defined in § 16-~~
2 ~~7-22, shall receive additional aid intended to help offset the impact of new and expanding charter~~
3 ~~schools. For FY 2022, aid shall be equal to the number of new students being served as determined~~
4 ~~by the difference between the reference year as defined in § 16-7-16 and FY 2019 times a per-pupil~~
5 ~~amount of five hundred dollars (\$500). For FY 2023 and thereafter, aid shall be equal to the number~~
6 ~~of new students being served as determined by the difference between the reference year as defined~~
7 ~~in § 16-7-16 and the prior reference year times a per-pupil amount of five hundred dollars (\$500).~~
8 ~~The additional aid shall be used to offset the adjusted fixed costs retained by the districts of~~
9 ~~residence.~~

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~~ four times the core foundation amount (total of core-instruction amount plus student
17 success amount). The department of elementary and secondary education shall prorate the funds
18 available for distribution among those eligible school districts if the total approved costs for which
19 school districts are seeking reimbursement exceed the amount of funding appropriated in any fiscal
20 year; and the department of elementary and secondary education shall also collect data on those
21 educational costs that exceed the state-approved threshold based on an amount above two (2), three
22 (3), and ~~four (4)~~ five (5) 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
10 state appropriations to the Central Falls school district. At the end of the transition period defined
11 in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24. Additional
12 support for the Davies and the Met Center is needed due to the costs associated with running a
13 stand-alone high school offering both academic and career and technical coursework. The
14 department shall recommend criteria for the purpose of allocating any and all stabilization funds as
15 may be 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~~ fifteen percent (~~10~~ 15%) by the core-
22 instruction per-pupil amount defined in § 16-7.2-3(a)(1) and applying that amount of additional
23 state support to EL students identified using widely adopted, independent standards and
24 assessments identified by the commissioner. All categorical funds distributed pursuant to this
25 subsection must be used to provide high-quality, research-based services to EL students and
26 managed in accordance with requirements set forth by the commissioner of elementary and
27 secondary education. The department of elementary and secondary education shall collect
28 performance reports from districts and approve the use of funds prior to expenditure. The
29 department of elementary and secondary education shall ensure the funds are aligned to activities
30 that are innovative and expansive and not utilized for activities the district is currently funding. ~~The~~
31 ~~department of elementary and secondary education shall prorate the funds available for distribution~~
32 ~~among eligible recipients if the total calculated costs exceed the amount of funding available in any~~
33 ~~fiscal year;~~

34 (i) State support for school resource officers. For purposes of this subsection, a school

1 resource officer (SRO) shall be defined as a career law enforcement officer with sworn authority
2 who is deployed by an employing police department or agency in a community-oriented policing
3 assignment to work in collaboration with one or more schools. School resource officers should have
4 completed at least forty (40) hours of specialized training in school policing, administered by an
5 accredited agency, before being assigned. Beginning in FY 2019, for a period of three (3) years,
6 school districts or municipalities that choose to employ school resource officers shall receive direct
7 state support for costs associated with employing such officers at public middle and high schools.
8 Districts or municipalities shall be reimbursed an amount equal to one-half (½) of the cost of
9 salaries and benefits for the qualifying positions. Funding will be provided for school resource
10 officer positions established on or after July 1, 2018, provided that:

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

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

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

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

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

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

22 **16-7.2-7. Transition plan.**

23 (a) The general assembly shall annually determine the appropriation of education aid
24 pursuant to this chapter using a transition plan to begin in fiscal year 2012, not to exceed seven (7)
25 years for LEA's for whom the calculated education aid pursuant to § 16-7.2-3 is more than the
26 education aid the LEA is receiving as of the effective date of the formula, and ten (10) years for
27 LEA's for whom the calculated education aid pursuant to § 16-7.2-3 is less than the education aid
28 the LEA is receiving as of the effective date of the formula.

29 (b) The local share of funding pursuant to § 16-7.2-5 shall be transitioned proportionately
30 over a period not to exceed five (5) years. The transition shall provide a combination of direct aid
31 to districts, funds for the categorical programs, and district savings through state-assumed costs, as
32 determined by the general assembly on an annual basis. Updates to any components of the
33 permanent foundation education aid formula, such as student data, property values, and/or median
34 family income, that result in an increase or decrease in state education aid that impacts the total

1 state and local contribution by more than three percent (3%) shall be transitioned over a period of
2 time not to exceed three (3) years.

3 (c) Districts that experience a reduction in enrollment from the prior fiscal year shall
4 receive forty percent (40%) of the amount of state aid pursuant to § 16-7.2-3 associated with that
5 enrollment decline and will receive twenty-five percent (25%) of that amount in the next preceding
6 year.

7 ~~(c)~~(d) For districts that are converting from a half-day to a full-day kindergarten program
8 for the 2014-2015 school year and after, as defined by § 16-99-4, the increase in aid provided
9 pursuant to the formula for the increased reference average daily membership due to the conversion
10 of the kindergarten students from 0.5 full-time equivalent to 1.0 full-time equivalent is not subject
11 to the transition plan in subsection (a); instead, the increased kindergarten full-time equivalents will
12 be funded at the fully transitioned value of the formula beginning in FY 2017.

13 SECTION 3. Section 16-56-6 of the General Laws in Chapter 16-56 entitled
14 "Postsecondary Student Financial Assistance" is hereby amended to read as follows:

15 **16-56-6. Need-based grants.**

16 (a) Amount of funds allocated. The commissioner of postsecondary education shall allocate
17 annually the appropriation for need-based scholarships and grants. Of the total amount appropriated
18 for need-based scholarship and grants, the lesser of twenty percent (20%) or one million ~~five~~ eight
19 hundred thousand dollars ~~(\$1,500,000)~~ (\$1,800,000) shall be distributed to qualified students
20 attending participating, independent, non-profit, higher education institutions in Rhode Island. The
21 remainder of funds shall be limited to public higher education institutions in Rhode Island including
22 payments made pursuant to § 16-100-3(c). As part of the annual budget submission, the office of
23 postsecondary commissioner shall include a plan of how the need-based scholarship and grant
24 funds will be allocated to each public institution receiving funds pursuant to this chapter and how
25 the funds will be distributed to students attending independent, non-profit institutions.

26 (b) Eligibility of individuals. Eligibility for need-based grants and scholarships shall be
27 determined by the office of the postsecondary commissioner.

28 (c) Number and terms of awards. The number of awards to be granted in any one fiscal
29 year shall be contingent upon the funds allocated to this section.

30 SECTION 4. Section 16-59-9 of the General Laws in Chapter 16-59 entitled "Council on
31 Postsecondary Education [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]"
32 is hereby amended to read as follows:

33 **16-59-9. Educational budget and appropriations.**

34 (a) The general assembly shall annually appropriate any sums it deems necessary for

1 support and maintenance of higher education in the state and the state controller is authorized and
2 directed to draw his or her orders upon the general treasurer for the payment of the appropriations
3 or so much of the sums that are necessary for the purposes appropriated, upon the receipt by him
4 or her of proper vouchers as the council on postsecondary education may by rule provide. The
5 council shall receive, review, and adjust the budget for the office of postsecondary commissioner
6 and present the budget as part of the budget for higher education under the requirements of § 35-3-
7 4.

8 (b) The office of postsecondary commissioner and the institutions of public higher
9 education shall establish working capital accounts.

10 (c) Any tuition or fee increase schedules in effect for the institutions of public higher
11 education shall be received by the council on postsecondary education for allocation for the fiscal
12 year for which state appropriations are made to the council by the general assembly; provided that
13 no further increases may be made by the board of education or the council on postsecondary
14 education for the year for which appropriations are made. Except that these provisions shall not
15 apply to the revenues of housing, dining, and other auxiliary facilities at the university of Rhode
16 Island, Rhode Island college, and the community colleges including student fees as described in
17 P.L. 1962, ch. 257 pledged to secure indebtedness issued at any time pursuant to P.L. 1962, ch. 257
18 as amended.

19 (d) All housing, dining, and other auxiliary facilities at all public institutions of higher
20 learning shall be self-supporting and no funds shall be appropriated by the general assembly to pay
21 operating expenses, including principal and interest on debt services, and overhead expenses for
22 the facilities, with the exception of the mandatory fees covered by the Rhode Island promise
23 scholarship program as established by § 16-107-3 [and the Rhode Island hope scholarship](#)
24 [established by § 16-112-3](#). Any debt-service costs on general obligation bonds presented to the
25 voters in November 2000 and November 2004 or appropriated funds from the Rhode Island capital
26 plan for the housing auxiliaries at the university of Rhode Island and Rhode Island college shall
27 not be subject to this self-supporting requirement in order to provide funds for the building
28 construction and rehabilitation program. The institutions of public higher education will establish
29 policies and procedures that enhance the opportunity for auxiliary facilities to be self-supporting,
30 including that all faculty provide timely and accurate copies of booklists for required textbooks to
31 the public higher educational institution's bookstore.

32 (e) The additional costs to achieve self-supporting status shall be by the implementation of
33 a fee schedule of all housing, dining, and other auxiliary facilities, including but not limited to,
34 operating expenses, principal, and interest on debt services, and overhead expenses.

1 (f) The board of education is authorized to establish two (2) restricted-receipt accounts for
2 the higher education and industry centers established throughout the state: one to collect lease
3 payments from occupying companies, and fees from room and service rentals, to support the
4 operation and maintenance of the facilities; and one to collect donations to support construction,
5 operations and maintenance. All such revenues shall be deposited to the restricted-receipt accounts.

6 (g) Notwithstanding subsections (a) and (d) of this section or any provisions of this title, to
7 the extent necessary to comply with the provisions of any outstanding bonds issued by the Rhode
8 Island health and educational building corporation or outstanding lease certificates of participation,
9 in either case, issued for the benefit of the university of Rhode Island, the community college of
10 Rhode Island, and/or Rhode Island college, to the extent necessary to comply with the provisions
11 of any such bonds or certificates of participation, the general assembly shall annually appropriate
12 any such sums it deems necessary from educational and general revenues (including, but not limited
13 to, tuition) and auxiliary enterprise revenues derived from the university of Rhode Island, the
14 community college of Rhode Island and Rhode Island college, to be allocated by the council on
15 postsecondary education or by the board of trustees of the university of Rhode Island, as
16 appropriate, in accordance with the terms of the contracts with such bondholders or certificate
17 holders.

18 (h) The board of education is authorized to establish a restricted-receipt account for income
19 generated by the Rhode Island nursing education center through the rental of classrooms,
20 laboratories, or other facilities located on the Providence campus of the nursing education center.
21 All such revenues shall be deposited to the restricted receipt account.

22 (i) The board of education is authorized to establish a restricted-receipt account for the
23 receipt and expenditure of monies received from IGT Global Solutions Corporation for the purpose
24 of financing scholarships relating to studying science, technology, engineering, or mathematics at
25 an accredited educational institution. This account shall be housed within the budget of the office
26 of the postsecondary commissioner and exempt from the indirect cost recovery provisions of § 35-
27 4-27.

28 SECTION 5. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
29 adding thereto the following chapter:

30 CHAPTER 112

31 RHODE ISLAND HOPE SCHOLARSHIP PILOT PROGRAM ACT

32 **16-112-1. Short title.**

33 This chapter shall be known and may be cited as the "Rhode Island Hope Scholarship Pilot
34 Program Act".

1 **16-112-2. Legislative findings and purpose.**

2 (a) The general assembly finds and declares that:

3 (1) Education is critical for the state's young people to achieve their aspirations and develop
4 their talents;

5 (2) The state's economic success depends on a highly educated and skilled workforce;

6 (3) The state's future prosperity depends upon its ability to make educational opportunities
7 beyond high school available for all students;

8 (4) The coronavirus has inflicted undue hardships on students and their families, creating
9 barriers to a four (4) year college degree;

10 (5) A merit-based tuition reduction program will help make a four (4) year college degree
11 available to all students;

12 (6) Rhode Island college offers students a feasible opportunity to obtain a four (4) year
13 degree, but remains an underutilized resource in the state; and

14 (7) The State of Rhode Island's motto is "Hope".

15 (b) In order to address the findings set forth in subsection (a) of this section, the purpose
16 of this chapter is to increase the number of students enrolling in and completing four (4) year
17 degrees and certificates on time from Rhode Island college, and to promote more graduates in high-
18 need fields such as nursing, pre-k through grade twelve (12) education, and the trades, which are
19 fields for which Rhode Island college provides a strong and affordable education.

20 (c) The purpose of the pilot program is also to determine whether a scholarship program
21 for Rhode Island college that is modeled on the promise scholarship program established in chapter
22 107 of title 16 would be successful in attaining the goals set forth in this section."

23 **16-112-3. Establishment of scholarship program.**

24 Beginning with the high school graduating class of 2023, there is hereby established the
25 Rhode Island hope scholarship pilot program. The general assembly shall annually appropriate the
26 funds necessary to implement the purposes of this chapter for the periods of the pilot program.
27 Additional funds beyond the scholarships may be appropriated to support and advance the Rhode
28 Island hope scholarship pilot program. In addition to appropriation by the general assembly,
29 charitable donations may be accepted into the scholarship program.

30 **16-112-4. Definitions.**

31 When used in this chapter, the following terms shall have the following meanings:

32 (1) "Certificate" means any certificate program with labor market value as defined by the
33 postsecondary commissioner.

34 (2) "College-level credit" means credit awarded by a college or university for completion

1 of its own courses or other academic work.

2 (3) "FAFSA" means the Free Application for Federal Student Aid form.

3 (4) "General education coursework" means the educational foundation of knowledge,
4 skills, and attitudes that prepare students for success in their majors and their personal and
5 professional lives after graduation. It includes, but is not limited to, the required coursework of all
6 degrees developed by each eligible postsecondary institution that is approved by the council on
7 postsecondary education that is intended to ensure that all graduates of a state institution have a
8 balanced core of competencies and knowledge. This does not necessarily include coursework
9 specifically required for one's major.

10 (5) "Mandatory fees and tuition" means the costs that every student is required to pay in
11 order to enroll in classes, and does not include room and board, textbooks, program fees that may
12 exist in some majors, course fees that may exist for some specific courses, meal plans, or travel.

13 (6) "On track to graduate on time" means the standards determined by Rhode Island college
14 in establishing the expectation of a student to graduate with a bachelor's degree within four (4)
15 years of enrollment, or the prescribed completion time for a student completing a certificate
16 (recognizing that some students, including students who require developmental education, are
17 double majors, or are enrolled in certain professional programs may require an extended time period
18 for degree completion).

19 (7) "Recipient student" means a student attending Rhode Island college who qualifies to
20 receive the Rhode Island hope scholarship pursuant to § 16-112-6.

21 (8) "Pilot program" and "scholarship program" means the Rhode Island hope scholarship
22 pilot program that is established pursuant to § 16-112-3.

23 (9) "State" means the State of Rhode Island.

24 **16-112-5. Administration of scholarship program.**

25 (a) The financial aid office at Rhode Island college, in conjunction with the admissions
26 office or their respective equivalent offices at Rhode Island college, shall administer the scholarship
27 program for state residents seeking bachelor's degrees and/or certificates who meet the eligibility
28 requirements in this chapter.

29 (b) An award of the scholarship program shall cover the cost of up to two (2) years of
30 tuition and mandatory fees, for the junior and senior years of the student, or in the case of an adult
31 student, who has attained at least sixty (60) credit hours, then the award may cover tuition and
32 mandatory fees over a duration of not more than two (2) years. In all instances, these awards shall
33 be reduced by the amount of federal and all other financial aid monies available to the recipient
34 student. None of any grants received by students from the department of children, youth and

1 families' higher education opportunity incentive grant as established by chapter 72.8 of title 42 or
2 the college crusade scholarship act as established in chapter 70 of title 16 shall be considered federal
3 or financial aid for the purposes of this chapter.

4 (c) The scholarship program is limited to one award per student as required by § 16-112-
5 6(a)(7); provided that, the award may cover the two (2) years which constitute the junior and senior
6 years of the student, or the two (2) years for an adult student, and may be dispersed in separate
7 installments.

8 **16-112-6. Eligibility for merit based tuition reduction scholarship at Rhode Island**
9 **college.**

10 (a) Beginning with the students who enrolled at Rhode Island college in the fall of 2023, a
11 student:

12 (1) Must qualify for in-state tuition and fees pursuant to the residency policy adopted by
13 the council on postsecondary education, as amended, supplemented, restated, or otherwise modified
14 from time to time ("residency policy");

15 (2) Must be a currently enrolled full-time student who has declared a major and earned a
16 minimum of sixty (60) total credit hours towards an eligible program of study, as determined by
17 Rhode Island college;

18 (3) Must complete the FAFSA and any required FAFSA verification by the deadline
19 prescribed by Rhode Island college for each year in which the student seeks to receive funding
20 under the scholarship program; provided that, persons who are legally unable to complete the
21 FAFSA must complete a comparable form created by Rhode Island college, by the deadline
22 prescribed by Rhode Island college, for each year in which the student seeks to receive funding
23 under the scholarship program;

24 (4) Must enroll or have enrolled full-time as a freshman as a first-time student and continue
25 to be enrolled on a full-time basis at Rhode Island college, by the dates indicated within this chapter;

26 (5) Must maintain an average annual cumulative grade point average (GPA) of 2.5 or
27 greater, as determined by Rhode Island college, prior to obtaining the scholarship and also as a
28 condition of being able to continue to be a scholarship recipient;

29 (6) Must remain on track to graduate on time as determined by Rhode Island college and
30 must complete both the student's freshman and sophomore years at Rhode Island college, or in the
31 case of an adult student, have completed sixty (60) credit hours of tuition and mandatory fees at
32 Rhode Island college over a duration of no more than four (4) years;

33 (7) Must not have already received an award under this program or under chapter 107 of
34 title 16; and

1 (8) Must commit to live, work, or continue their education in Rhode Island after graduation.

2 (b) Rhode Island college, in conjunction with the office of the postsecondary
3 commissioner, shall develop a policy that will secure the commitment set forth in subsection (a) of
4 this section from recipient students.

5 (c) Notwithstanding the eligibility requirements under subsection (a) of this section
6 ("specified conditions"):

7 (1) In the case of a recipient student who has an approved medical or personal leave of
8 absence or is unable to satisfy one or more specified conditions because of the student's medical or
9 personal circumstances, the student may continue to receive an award under the scholarship
10 program upon resuming the student's education so long as the student continues to meet all other
11 applicable eligibility requirements;

12 (2) In the case of a recipient student who is a member of the national guard or a member
13 of a reserve unit of a branch of the United States military and is unable to satisfy one or more
14 specified conditions because the student is or will be in basic or special military training, or is or
15 will be participating in a deployment of the student's guard or reserve unit, the student may continue
16 to receive an award under the scholarship program upon completion of the student's basic or special
17 military training or deployment; and

18 (3) Students enrolled in Rhode Island college as of July 1, 2021, who have attained junior
19 status at Rhode Island college as of July 1, 2023, or who enrolled in Rhode Island college as of July
20 1, 2022, and who have attained junior status at Rhode Island college as of July 1, 2024, and who
21 are otherwise in compliance with this chapter, shall be eligible for a hope scholarship under this
22 chapter.

23 (d) The decision of whether or not a student has attained junior or senior status by the
24 appropriate date shall be determined by the appropriate body of Rhode Island college, subject to
25 the rules, regulations, and procedures established pursuant to § 16-112-8.

26 **16-112-7. Reporting and disbursement.**

27 (a) On or before November 10, 2023, and on or before November 10 thereafter for every
28 year through and including calendar year 2028, Rhode Island college shall submit a report to the
29 director of the office of management and budget, the state budget officer, the house fiscal advisor,
30 the senate fiscal advisor, the commissioner of postsecondary education, and the chair of the council
31 on postsecondary education, a report detailing the following:

32 (1) The number of students eligible to participate in the scholarship program;

33 (2) The amount of federal and institutional financial aid anticipated to be received by
34 recipient students;

1 (3) The aggregate tuition and mandatory fee costs attributable to recipient students;
2 (4) The resulting total cost of the scholarship program to the state; and
3 (5) The report shall contain such data for both the current fiscal year and the most up-to-
4 date forecast for the following fiscal year. Data reported shall be subdivided by student-year cohort
5 and shall be accompanied by a written explanation detailing the estimating methodology utilized
6 and any impact(s) the forecasted data may present to institutional capacity, operational costs, and
7 the tuition/fee revenue base of the institution.

8 (b) On or before July 1, 2024, and on before July 1 thereafter for every year until through
9 and including calendar year 2028, Rhode Island college, in conjunction with the office of the
10 postsecondary commissioner, shall submit a report evaluating the program to the governor, speaker
11 of the house, and the president of the senate. This evaluation shall include the following:

12 (1) The number of students who started in each cohort.

13 (2) The number of students in each cohort who have attained a degree or certification in an
14 on-time manner;

15 (3) The number of students in each cohort who have not attained a degree or certification
16 in an on-time manner and an analysis of why that has happened;

17 (4) The number of students in each cohort who began the program but have been unable to
18 continue or complete the program and an analysis of why that has happened;

19 (5) The costs of the program and the costs of continuing the program;

20 (6) Suggestions for ways to increase the success of the program;

21 (7) Recommendations as to modifying, continuing, expanding, curtailing, or discontinuing
22 the program; and

23 (8) Any such other recommendations or information as Rhode Island college and the
24 commissioner of postsecondary education deem appropriate to include in the evaluation.

25 (c) The office of management and budget, in consultation with the office of the
26 postsecondary commissioner, shall oversee the apportionment and disbursement of all funds
27 appropriated for the purpose of the scholarship program.

28 **16-112-8. Rules, regulations, and procedures.**

29 The council on postsecondary education is hereby authorized to promulgate rules and
30 regulations to effectuate the purposes of this chapter, including, but not limited to, the residency
31 policy, and Rhode Island college shall establish appeal procedures for the award, denial, or
32 revocation of funding under the scholarship program. The rules and regulations shall be
33 promulgated in accordance with § 16-59-4.

34 **16-112-9. Applicability to current students.**

1 Currently enrolled students at Rhode Island college who have attained junior status as of
2 July 1, 2023, or July 1, 2024, and who otherwise meet the requirements of this chapter, shall be
3 eligible for a hope scholarship under this chapter.

4 **16-112-10. Funding of and sunset of pilot program.**

5 The Rhode Island hope scholarship pilot program shall be funded from July 1, 2023,
6 through and including July 1, 2028. There shall be no further funding of the pilot program without
7 further action of the general assembly. Any final reports due pursuant to this chapter shall be filed
8 pursuant to the dates set forth herein.

9 SECTION 6. This article shall take effect upon passage.