

2023 -- H 5339 AS AMENDED

LC001159

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: Representative Susan R. Donovan

Date Introduced: February 03, 2023

Referred To: House Education

(Dept. of Education (RIDE))

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 § 16-48-2 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.

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

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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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