

2021 -- H 6338

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT -- CAREER AND TECHNICAL EDUCATION FUNDING

Introduced By: Representatives Fellela, Amore, Cardillo, and Costantino

Date Introduced: May 13, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7.2-5 of the General Laws in Chapter 16-7.2 entitled "The
2 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

3 **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**
4 **High School, and the Metropolitan Regional Career and Technical Center.**

5 (a) Charter public schools, as defined in chapter 77 of this title, the William M. Davies, Jr.
6 Career and Technical High School (Davies), and the Metropolitan Regional Career and Technical
7 Center (the Met Center) shall be funded solely by the state, pursuant to § 16-7.2-3. If the October
8 1 actual enrollment data for any charter public school shows a ten percent (10%) or greater change
9 from the prior year enrollment which is used as the reference year average daily membership, the
10 last six (6) monthly payments to the charter public school will be adjusted to reflect actual
11 enrollment. The state share of the permanent foundation education aid shall be paid by the state
12 directly to the charter public schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall
13 be calculated using the state-share ratio of the district of residence of the student as set forth in §
14 16-7.2-4. The department of elementary and secondary education shall provide the general
15 assembly with the calculation of the state share of permanent foundation education aid for charter
16 public schools delineated by school district.

17 (b) The local share of education funding shall be ~~paid to the charter public school, Davies,~~
18 ~~and the Met Center by the district of residence of the student and shall be the local, per-pupil cost~~

1 ~~calculated by dividing the local appropriation to education from property taxes, net of debt service,~~
2 ~~and capital projects, as defined in the uniform chart of accounts by the average daily membership~~
3 ~~for each city and town, pursuant to § 16-7-22, for the reference year~~ calculated for reference
4 purposes only and any amount so determined shall be paid by the state.

5 (c) Beginning in FY 2017, there shall be a reduction to the local per pupil ~~funding paid by~~
6 cost calculated for reference purposes only to be assessed to the district of residence to charter
7 public schools, Davies, and the Met Center. This reduction shall be equal to the greater (i) Of seven
8 percent (7%) of the local, per-pupil funding of the district of residence pursuant to subsection (b)
9 or (ii) The per-pupil value of the district's costs for non-public textbooks, transportation for non-
10 public students, retiree health benefits, out-of-district special-education tuition and transportation,
11 services for students age eighteen (18) to twenty-one (21) years old, pre-school screening and
12 intervention, and career and technical education, tuition and transportation costs, debt service and
13 rental costs minus the average expenses incurred by charter schools for those same categories of
14 expenses as reported in the uniform chart of accounts for the prior preceding fiscal year pursuant
15 to § 16-7-16(11) and verified by the department of elementary and secondary education. In the case
16 where audited financials result in a change in the calculation after the first tuition payment is made,
17 the remaining payments shall be based on the most recent audited data. For those districts whose
18 greater reduction occurs under the calculation of (ii), there shall be an additional reduction to
19 payments to mayoral academies with teachers who do not participate in the state teacher's
20 retirement system under chapter 8 of title 36 equal to the per-pupil value of teacher retirement costs
21 attributable to unfunded liability as calculated by the state's actuary for the prior preceding fiscal
22 year.

23 (d) ~~Local district payments to charter public schools, Davies, and the Met Center for each~~
24 ~~district's students enrolled in these schools shall be made on a quarterly basis in July, October,~~
25 ~~January, and April; however, the first local district payment shall be made by August 15, instead~~
26 ~~of July. Failure of the community to make the local district payment for its student(s) enrolled in a~~
27 ~~charter public school, Davies, and/or the Met Center may result in the withholding of state~~
28 ~~education aid pursuant to § 16-7-31.~~

29 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met
30 Center enrollment, that, combined, comprise five percent (5%) or more of the average daily
31 membership as defined in § 16-7-22, shall receive additional aid for a period of three (3) years. Aid
32 in FY 2017 shall be equal to the number of charter public school, open-enrollment schools, Davies,
33 or the Met Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount
34 of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to the number of charter

1 public school, open-enrollment schools, Davies, or the Met Center students as of the reference year
2 as defined in § 16-7-16 times a per-pupil amount of one hundred dollars (\$100). Aid in FY 2019
3 shall be equal to the number of charter public school, open-enrollment schools, Davies, or the Met
4 Center students as of the reference year as defined in § 16-7-16 times a per-pupil amount of fifty
5 dollars (\$50.00). The additional aid shall be used to offset the adjusted fixed costs retained by the
6 districts of residence.

7 SECTION 2. Sections 16-45-6 and 16-45-6.1 of the General Laws in Chapter 16-45 entitled
8 "Regional Vocational Schools [See Title 16 Chapter 97 - The Rhode Island Board of Education
9 Act]" are hereby amended to read as follows:

10 **16-45-6. Powers additional to previous authority.**

11 (a) The powers delegated and authorized in this chapter for the board of regents for
12 elementary and secondary education and the department of elementary and secondary education
13 shall be in addition to those previously authorized by any other general or public law.

14 (b) The governance, funding, and programming of the William M. Davies, Jr. vocational
15 technical school and the Metropolitan Career and Technical School shall be in accordance with the
16 rules and regulations formulated by the board of regents for elementary and secondary education
17 pursuant to chapter 35 of title 42. Provided, however, the additional appropriation by the General
18 Assembly in fiscal year 2005 for the William M. Davies, Jr. Vocational Technical School shall be
19 used to fund sixty (60) additional placements. Forty (40) of those placements shall be made
20 available to students from the City of Providence.

21 (c) The purpose of this chapter is to restructure the system of career and technical schools
22 in Rhode Island for the benefit of the students, the economy, and the general welfare. The
23 paramount aim is to enable the schools to make more significant contributions in providing the
24 state's students with the career preparation they need to compete and succeed in the world of today
25 and of the future. To ensure student success, a system of model career and technical schools will
26 be established and supported. These schools will provide: integrated academic and vocational
27 curricula, up to date technology, programs to meet the varying needs of all students, and strong
28 links to business, industry, postsecondary education, and the community.

29 (d)(1) There shall be a system of state operated career and technical schools serving
30 geographic areas of the state. Students attending these regional schools will do so on a full time
31 basis with the costs for their education at the regional school being ~~shared by the state and the~~
32 ~~district of residence as described in § 16-7.2-5~~ the sole responsibility of the state which costs shall
33 also include transportation costs necessary to carry out the purposes of this section. State schools
34 currently participating in the state retirement system that are not receiving reimbursement pursuant

1 to § 16-16-22 shall have their state aid adjusted to reflect full reimbursement for expenses related
2 to employer retirement contributions for those staff employed by the state.

3 (2) These schools shall be operated as local education agencies and each shall be governed
4 by a board of trustees. With the exception of those powers and duties reserved by the director, the
5 commissioner of elementary and secondary education, and the board of regents for elementary and
6 secondary education, the board of trustees shall have the powers and duties of school committees.
7 The Davies school shall be the first school operated under the provisions of this chapter and shall
8 be renamed the William M. Davies, Jr. career and technical high school. The Metropolitan Career
9 and Technical School shall be the second school operated under the provisions of this chapter.

10 (e)(1) The board of regents for elementary and secondary education shall appoint the
11 members of the board of trustees from nominations made by the commissioner of elementary and
12 secondary education. The chairperson shall also be selected in this manner. The board of regents
13 shall determine the number, qualifications, and terms of office of members of the board of trustees.
14 The board of trustees will be broadly representative of the local communities served by each school
15 and the larger statewide workforce interests.

16 (2) The board of regents shall establish strategic directions for the career and technical
17 education system that are consistent with the state's economic development plans, workforce
18 requirements, and educational priorities and learner outcomes established by the board of regents.

19 (3) The board of regents shall provide parameters for the overall budget requests, approve
20 the budget, and participate in budget development as required in subsection (i).

21 (f)(1) The commissioner of elementary and secondary education shall recommend
22 parameters for the overall budget requests, recommend a budget and participate in budget
23 development as required in subsection (i).

24 (2) The commissioner shall approve the process for selection of a director of each regional
25 school. The commissioner shall develop a plan for statewide implementation of the provisions of
26 this chapter.

27 (g) The board of trustees shall meet monthly and serve without compensation. Nine (9)
28 members of the board of trustees shall be required to attend teacher appeal hearings conducted
29 pursuant to § 16-13-4. The board of trustees shall have broad policy making authority for the
30 operation of the school consistent with subsection (e) and the following powers and duties:

31 (1) To identify the educational needs of the communities in the district.

32 (2) To develop educational policies to meet the needs of students in the communities served
33 by the school district.

34 (3) To appoint a director of its regional school to serve as its chief executive officer and to

1 approve assistant and associate directors from nominations made by the director.

2 (4) To provide policy guidance and participate in budget development as required in
3 subsection (i).

4 (5) To develop staffing policies which ensure that all students are taught by educators of
5 the highest possible quality.

6 (h)(1) The director will serve at the pleasure of the board of trustees with the initial
7 appointment to be for a period of not more than three (3) years, provided, that the term and
8 conditions of employment are subject to the approval of the board of regents for elementary and
9 secondary education.

10 (2) It is the responsibility of the director to manage and operate the school on a day to day
11 basis. The director's duties shall include the following:

12 (i) To be responsible for the entire care, supervision, and management of the career and
13 technical high school.

14 (ii) To recommend to the board of trustees educational policies to meet the needs of the
15 district, and to implement policies established by the board of trustees.

16 (iii) To present nominations to the board of trustees for assistant and associate directors
17 and to appoint all other school personnel.

18 (iv) To provide for the evaluation of all school district personnel.

19 (v) To establish a school based management approach for decision making for the operation
20 of the school.

21 (vi) To prepare a budget and participate in budget development as required in subsection
22 (i), and to authorize purchases consistent with the adopted school district budget.

23 (vii) To report to the board of trustees on a regular basis the financial condition and
24 operation of the school, and to report annually on the educational progress of the school.

25 (viii) To establish appropriate advisory committees as needed to provide guidance on new
26 directions and feedback on the operation of the school.

27 (i) With policy guidance from the board of trustees and extensive involvement of the
28 administrators and faculty in the school, the director of each regional school shall annually prepare
29 a budget. The board of trustees will approve the budget and transmit it to the commissioner. The
30 board of regents for elementary and secondary education, upon recommendation of the
31 commissioner of elementary and secondary education, shall provide parameters for the overall
32 budget request. Based on review and recommendation by the commissioner, the board of regents
33 shall approve the total budget and incorporate it into its budget request to the governor and to the
34 general assembly. Line item budgeting decisions shall be the responsibility of the director.

1 (j) Nothing in this section shall be deemed to limit or interfere with the rights of teachers
2 and other school employees to bargain collectively pursuant to chapters 9.3 and 9.4 of title 28 or to
3 allow the board of trustees or the director to abrogate any agreement by collective bargaining.
4 Employees at the William M. Davies school shall continue to be state employees and the bargaining
5 units which are presently established at the school shall remain intact.

6 ~~(k) Any tuition payments, which are made to the William M. Davies Career and Technical
7 high school from the district of residence of its students, as authorized in R.I.G.L. § 16-7.2-5, shall
8 be deposited into a restricted receipt account to be used for the same educational purposes that its
9 state appropriation is used. Any such funds shall be exempt from the indirect cost recovery
10 provisions of § 35-4-7.~~

11 **16-45-6.1. Career and technical education.**

12 (a) The general assembly finds that career and technical education programs that meet
13 rigorous industry standards and prepare Rhode Island's students to succeed in a wide variety of
14 employment settings are a critical component of the state's public education system and a necessary
15 element of the state's economic development.

16 (b) The general assembly further finds that the proportion of students now enrolled in such
17 programs is inadequate. Therefore, all Rhode Island school districts shall file a plan with the
18 Commissioner of Elementary and Secondary Education no later than January 1, 2006 setting forth
19 the means through which no fewer than forty (40) percent of their students enrolled in grades nine
20 (9) through twelve (12) shall be provided the opportunity to enroll in career and technical
21 programming that is certified by the Rhode Island Department of Education as meeting industry
22 standards by September 2007.

23 (c) To facilitate the development of additional career and technical program offerings for
24 Rhode Island students that meet industry standards the department of elementary and secondary
25 education shall, in furtherance of the reports and studies that have been developed since 2000
26 setting forth recommendations for an updated system of career and technical education for the State
27 of Rhode Island, develop a system design that includes site assessments of all current career and
28 technical programs and sets forth standards and procedures for the department of elementary and
29 secondary education to approve programs that are developed in cooperation with business, industry
30 and postsecondary institutions. The department shall also develop a system design for three
31 additional state operated career and technical schools, in addition to the William H. Davies School
32 and the Metropolitan Career and Technical Center, including recommendations for a model for the
33 siting, building costs, operational costs and program design for each such school. The general
34 assembly shall appropriate funds to the department for purposes of their completion of the system

1 design for the statewide program approval process to industry standards and the development of
2 the models, siting and program design of the three additional state operated career and technical
3 schools.

4 (d) Students enrolled in a career and technical (CTE) board of trustees approved career and
5 technical (CTE) program outside their district of residence that are not located within their
6 transportation region may enroll in such programs and their district of residence shall not be
7 responsible for costs of transportation.

8 (e) Notwithstanding the provisions of chapters 7 and 7.2 of title 16, the per pupil cost of a
9 student attending a career and technical (CTE) program outside their district shall be borne
10 exclusively by the state.

11 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 -- THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT -- CAREER AND TECHNICAL EDUCATION FUNDING

- 1 This act would require that the state be solely responsible for the costs of students enrolled
- 2 in career and technical education (CTE) and vocational programs outside their district.
- 3 This act would take effect upon passage.

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