

2014 -- H 7556

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO EDUCATION -- PERMANENT FOUNDATION EDUCATION AID

Introduced By: Representatives Slater, and Diaz

Date Introduced: February 26, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-7.2-3, 16-7.2-4 and 16-7.2-6 of the General Laws in Chapter
2 16-7.2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended to read
3 as follows:

4 **16-7.2-3. Permanent foundation education aid established.** -- (a) Beginning in the
5 2012 fiscal year, the following foundation education aid formula shall take effect. The foundation
6 education aid for each district shall be the sum of the core instruction amount in (a)(1) and the
7 amount to support high need students in [subsection \(a\)\(2\)](#); [and the amount to support career and](#)
8 [technical education students attending schools operated under the provisions of chapter 16-45](#)
9 [\("Regional Vocational Schools"\) as set forth in subsection \(a\)\(3\)](#) which shall be multiplied by the
10 district state share ratio calculated pursuant to [§ 16-7.2-4](#) to determine the foundation aid.

11 (1) The core instruction amount shall be an amount equal to a statewide per pupil core
12 instruction amount as established by the department of elementary and secondary education,
13 derived from the average of northeast regional expenditure data for the states of Rhode Island,
14 Massachusetts, Connecticut, and New Hampshire from the National Center for Education
15 Statistics (NCES) that will adequately fund the student instructional needs as described in the
16 basic education program and multiplied by the district average daily membership as defined in
17 section 16-7-22. Expenditure data in the following categories: instruction and support services for
18 students, instruction, general administration, school administration and other support services
19 from the National Public Education Financial Survey as published by NCES and enrollment data

1 from the Common Core of Data also published by NCES will be used when determining the core
2 instruction amount. The core instruction amount will be updated annually. For the purpose of
3 calculating this formula, school districts' resident average daily membership shall exclude charter
4 school and state-operated school students.

5 (2) The amount to support high need students beyond the core instruction amount shall
6 be determined by multiplying a student success factor of forty percent (40%) by the core
7 instruction per pupil amount described in section 16-7.2-3(1) and applying that amount to all
8 resident children eligible for USDA reimbursable school meals.

9 (3) The amount to support career and technical education students beyond the core
10 instruction amount shall be determined by multiplying a student success factor of thirty-three
11 percent (33%) by the core instruction per pupil amount described in § 16-7.2-3(a)(1) herein and
12 applying that amount to all resident children participating in career and technical education
13 programs at schools operated under the provisions of chapter 16-45 ("Regional Vocational
14 Schools").

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

19 **16-7.2-4. Determination of state's share.** – ~~(a)~~ For each district, the state's share of the
20 foundation education aid calculated pursuant to section 16-7.2-3(a) shall use a calculation that
21 considers a district's revenue generating capacity and concentration of high-need students. The
22 calculation is the square root of the sum of the state share ratio for the community calculation
23 (SSRC), pursuant to section 16-7-20, squared plus the district's percentage of students eligible for
24 USDA reimbursable school meals in grades PK-6 (PK6FRPL) squared, ~~divided by two~~ plus the
25 district's percentage of students participating in career and technical education programs at
26 schools operated under the provisions of chapter 16-45 ("Regional Vocational Schools"), squared,
27 divided by three (3). ~~(b) For purposes of determining the state's share, school district student data~~
28 ~~used in this calculation shall include charter school and state school students. These ratios are~~
29 ~~used in the permanent foundation education aid formula calculation described in section 16-7.2-5.~~

30 **16-7.2-6. Categorical programs, state funded expenses.** -- In addition to the foundation
31 education aid provided pursuant to section 16-7.2-3 the permanent foundation education aid
32 program shall provide direct state funding for:

33 (a) Excess costs associated with special education students. - Excess costs are defined
34 when an individual special education student's cost shall be deemed to be "extraordinary."

1 Extraordinary costs are those educational costs that exceed the state approved threshold based on
2 an amount above five times the core foundation amount (total of core instruction amount plus
3 student success amount) The department of elementary and secondary education shall prorate the
4 funds available for distribution among those eligible school districts if the total approved costs for
5 which school districts are seeking reimbursement exceed the amount of funding appropriated in
6 any fiscal year;

7 (b) Career and technical education costs to help meet initial investment requirements
8 needed to transform existing or create new comprehensive career and technical education
9 programs and career pathways in critical and emerging industries and to help offset the higher
10 than average costs associated with facilities, equipment maintenance and repair, and supplies
11 necessary for maintaining the quality of highly specialized programs that are a priority for the
12 state. The department shall recommend criteria for the purpose of allocating any and all career
13 and technical education funds as may be determined by the general assembly on an annual basis.
14 The department of elementary and secondary education shall prorate the funds available for
15 distribution among those eligible school districts if the total approved costs for which school
16 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

17 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
18 programs. The department shall recommend criteria for the purpose of allocating any and all early
19 childhood program funds as may be determined by the general assembly;

20 (d) Central Falls Stabilization Fund is established to assure that appropriate funding is
21 available to support the community, including students from the community that attend the
22 charter schools, Davies, and the Met Center pursuant to section 16-7.2-5, due to concerns
23 regarding the city's capacity to meet the local share of education costs. This fund requires that
24 education aid calculated pursuant to section 16-7.2-3 and funding for costs outside the permanent
25 foundation education aid formula, including but not limited to transportation, facility
26 maintenance, and retiree health benefits shall be shared between the state and the city of Central
27 Falls. The fund shall be annually reviewed to determine the amount of the state and city
28 appropriation. The state's share of this fund may be supported through a reallocation of current
29 state appropriations to the Central Falls school district. At the end of the transition period defined
30 in section 16-7.2-7, the municipality will continue its contribution pursuant to section 16-7-24;
31 and

32 (e) Excess costs associated with transporting students to out of district non-public
33 schools and within regional school districts. (1) This fund will provide state funding for the costs
34 associated with transporting students to out of district non-public schools, pursuant to title 16,

1 Chapter 21.1. The state will assume the costs of non-public out-of-district transportation for those
2 districts participating in the statewide system; ~~and~~ (2) This fund will provide state funding for the
3 costs associated with transporting students from any districts within the state to the William M.
4 Davies Jr. Career and Technical High School ("Davies") or the Metropolitan Regional Career and
5 Technical Center ("the Met Center"); pursuant to the provisions of chapter 16-21.1
6 ("Transportation of School Pupils Beyond City and Town Limits"); and (3)- This fund will
7 provide direct state funding for the excess costs associated with transporting students within
8 regional school districts, established pursuant to title 16, chapter 3. This fund requires that the
9 state and regional school district share equally the student transportation costs net any federal
10 sources of revenue for these expenditures. The department of elementary and secondary
11 education shall prorate the funds available for distribution among those eligible school districts if
12 the total approved costs for which school districts are seeking reimbursement exceed the amount
13 of funding available in any fiscal year.

14 (f) Public school districts that are regionalized shall be eligible for a regionalization
15 bonus as set forth below.

16 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
17 district established under the provisions of chapter 16-3 including the Chariho Regional School
18 district.

19 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
20 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
21 regionalization bonus shall commence in the first fiscal year following the establishment of a
22 regionalized school district as set forth section 16-3, including the Chariho Regional School
23 District.

24 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
25 state's share of the foundation education aid for the regionalized district as calculated pursuant to
26 sections 16-7.2-3 and 16-7.2-4 in that fiscal year.

27 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
28 state's share of the foundation education aid for the regionalized district as calculated pursuant to
29 sections 16-7.2-3 and 16-7.2-4 in that fiscal year.

30 (5) The regionalization bonus shall cease in the third fiscal year.

31 (6) The regionalization bonus for the Chariho regional school district shall be applied to
32 the state share of the permanent foundation education aid for the member towns.

33 (7) The department of elementary and secondary education shall prorate the funds
34 available for distribution among those eligible regionalized school districts if the total approve

1 costs for which regionalized school districts are seeking a regionalization bonus exceed the
2 amount of funding appropriated in any fiscal year.

3 (g) Categorical programs defined in (a) through (f) shall be funded pursuant to the
4 transition plan in section 16-7.2-7.

5 SECTION 2. Section 16-21.1-2 of the General Laws in Chapter 16-21.1 entitled
6 "Transportation of School Pupils Beyond City and Town Limits [See Title 16 Chapter 97 - The
7 Rhode Island Board of Education Act]" is hereby amended to read as follows:

8 **16-21.1-2. School bus districts established.** -- (a) There are hereby established school
9 bus districts within the state to provide bus transportation in the interest of public safety, health,
10 and welfare for pupils in grades kindergarten through twelve (12), or in special education
11 programs, who attend public schools, including vocational schools and special education
12 programs provided in accord with regulations of the board of regents for elementary and
13 secondary education, consolidated schools, regional schools established under the provisions of
14 section 16-3-1 et seq., or who participate in cooperative programs as provided by section 16-3.1-1
15 et seq., and nonpublic nonprofit schools which are consolidated, regionalized, or otherwise
16 established to serve residents of a specific area within the state which schools satisfy the
17 requirements of law for any of the grades of school, kindergarten through twelve (12), as follows:

18 (1) Region I: The towns of Burrillville, North Smithfield, and Cumberland, and the city
19 of Woonsocket;

20 (2) Region II: The county of Kent, except the town of West Greenwich and the towns of
21 Foster, Glocester, and Scituate;

22 (3) Region III: The towns of Lincoln, Smithfield, Johnston, North Providence,
23 Barrington, Warren, and Bristol, and the cities of Cranston, Central Falls, East Providence,
24 Pawtucket, and Providence;

25 (4) Region IV: The county of Washington and the towns of Jamestown and West
26 Greenwich;

27 (5) Region V: The towns of Little Compton, Middletown, Portsmouth, and Tiverton, and
28 the city of Newport.

29 (b) A pupil attending a school, including a public school, vocational school, special
30 education program provided in accord with regulations of the board of regents for elementary and
31 secondary education, a regional school established under the provisions of section 16-3-1 et seq.,
32 as authorized by section 16-3.1-1 et seq., or a nonpublic nonprofit school for grades kindergarten
33 through twelve (12), consolidated, regionalized, or otherwise established to serve residents of a
34 specific area within the state for any of the grades of schools, kindergarten through twelve (12), in

1 the interest of public safety, health, and welfare, shall be provided with bus transportation to the
2 school or facility which the pupil attends, within the region in which the pupil resides, by the
3 school committee of the city or town within which the pupil resides. The cost of transporting a
4 pupil attending a charter school, ~~the William M. Davies, Jr. Career and Technical High School~~
5 ~~("Davies"), or the Metropolitan Regional Career and Technical Center ("the Met Center")~~ within
6 the established region shall be charged to the receiving school at the same grade level
7 transportation per pupil cost of the resident district. Districts may offer transportation to charter
8 schools, ~~Davies, or the Met Center~~ outside the established region in order to facilitate efficiency
9 provided there is not additional cost to the resident district. The actual cost of transporting a pupil
10 attending the William M. Davies Jr. Career and Technical High School ("Davies") or the
11 Metropolitan Regional Career and Technical Center ("the Met Center") from any district within
12 the state shall be funded through the transportation categorical fund pursuant to the provisions of
13 § 16-7.2-6(e).

14 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 -- PERMANENT FOUNDATION EDUCATION AID

1 This act would revise the provisions providing for funding for transportation of students
2 to the William M. Davies Jr. Career and Technical High School and the Metropolitan Regional
3 Career and Technical Center.

4 This act would take effect upon passage.

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