

2024 -- S 2594

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LC004746
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO EDUCATION -- THE EDUCATION EQUITY AND PROPERTY TAX
RELIEF ACT

Introduced By: Senator Sandra Cano

Date Introduced: March 01, 2024

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-7.2-3 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 **16-7.2-3. Permanent foundation education aid established.**

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

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

1 instruction amount. The core-instruction amount will be updated annually. For the purpose of
2 calculating this formula, school districts' resident average daily membership shall exclude charter
3 school and state-operated school students.

4 (2) The amount to support high-need students beyond the core-instruction amount shall be
5 determined by multiplying a student success factor of forty percent (40%) by the core instruction
6 per-pupil amount described in subdivision (a)(1) and applying that amount for each resident child
7 either:

8 (i) Whose ~~whose~~ family income is at or below one hundred eighty-five percent (185%) of
9 federal poverty guidelines: or, hereinafter referred to as "poverty status."

10 (ii) Identified as an English language learner, as defined in the Rhode Island department of
11 elementary and secondary education department regulations.

12 By October 1, 2022, as part of its budget submission pursuant to § 35-3-4 relative to state
13 fiscal year 2024 and thereafter, the department of elementary and secondary education shall
14 develop and utilize a poverty measure that in the department's assessment most accurately serves
15 as a proxy for the poverty status referenced in this subsection and does not rely on the
16 administration of school nutrition programs. The department shall utilize this measure in
17 calculations pursuant to this subsection related to the application of the student success factor, in
18 calculations pursuant to § 16-7.2-4 related to the calculation of the state share ratio, and in the
19 formulation of estimates pursuant to subsection (b) below. The department may also include any
20 recommendations which seek to mitigate any disruptions associated with the implementation of
21 this new poverty measure or improve the accuracy of its calculation. Beginning with the FY 2024
22 calculation, students whose family income is at or below one hundred eighty-five percent (185%)
23 of federal poverty guidelines will be determined by participation in the supplemental nutrition
24 assistance program (SNAP). The number of students directly certified through the department of
25 human services shall be multiplied by a factor of 1.6.

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

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

32 (d) Local education agencies may set aside a portion of funds received under subsection
33 (a) to expand learning opportunities such as after school and summer programs, full-day
34 kindergarten and/or multiple pathway programs, provided that the basic education program and all

1 other approved programs required in law are funded.

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

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

17 (2) By October 1, 2024, as part of its budget submission pursuant to § 35-3-4 relative to
18 state fiscal year 2026, the department of elementary and secondary education shall develop
19 alternatives to identify students whose family income is at or below one hundred eighty-five percent
20 (185%) of federal poverty guidelines through participation in state-administered programs,
21 including, but not limited to, the supplemental nutrition assistance program (SNAP), and RItCare
22 and other programs that include the collection of required supporting documentation. The
23 department may also include any recommendations that seek to mitigate any disruptions associated
24 with implementation of this new poverty measure or improve the accuracy of its calculation.

25 (3) The department shall also report with its annual budget request information regarding
26 local contributions to education aid and compliance with §§ 16-7-23 and 16-7-24. The report shall
27 also compare these local contributions to state foundation education aid by community. The
28 department shall also report compliance to each city or town school committee and city or town
29 council.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would add to the determination of the need to support high-need students a separate
2 and independent qualifying factor of whether the student is an English language learner as defined
3 by the department of education's regulations.

4 This act would take effect upon passage.

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