

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Senator Melissa A. Murray

Date Introduced: February 12, 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%)~~ forty-five percent (45%)
6 by the core instruction per-pupil amount described in subdivision (a)(1) and applying that amount
7 for each resident child whose family income is at or below one hundred eighty-five percent (185%)
8 of federal poverty guidelines, hereinafter referred to as "poverty status." By October 1, 2022, as
9 part of its budget submission pursuant to § 35-3-4 relative to state fiscal year 2024 and thereafter,
10 the department of elementary and secondary education shall develop and utilize a poverty measure
11 that in the department's assessment most accurately serves as a proxy for the poverty status
12 referenced in this subsection and does not rely on the administration of school nutrition programs.
13 The department shall utilize this measure in calculations pursuant to this subsection related to the
14 application of the student success factor, in calculations pursuant to § 16-7.2-4 related to the
15 calculation of the state share ratio, and in the formulation of estimates pursuant to subsection (b)
16 below. The department may also include any recommendations which seek to mitigate any
17 disruptions associated with the implementation of this new poverty measure or improve the
18 accuracy of its calculation. Beginning with the FY 2024 calculation, students whose family income
19 is at or below one hundred eighty-five percent (185%) of federal poverty guidelines will be
20 determined by participation in the supplemental nutrition assistance program (SNAP). The number
21 of students directly certified through the department of human services shall be multiplied by a
22 factor of 1.6.

23 (3) In local education agencies, when over forty-five percent (45%) of resident children are
24 classified as "poverty status," the student success factor will be fifty percent (50%) by the core
25 instruction per-pupil amount described in subsection (a)(1) of this section and applying that amount
26 for each resident child whose family income is at or below one hundred eight-five percent (185%)
27 of federal poverty guidelines.

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

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

34 (d) Local education agencies may set aside a portion of funds received under subsection

1 (a) to expand learning opportunities such as after school and summer programs, full-day
2 kindergarten and/or multiple pathway programs, provided that the basic education program and all
3 other approved programs required in law are funded.

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

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

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

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

32 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 provide that in local educational agencies when over forty-five percent
2 (45%) of the children have a family income that is at or below one hundred eighty-five percent
3 (185%) of federal poverty guidelines then the student success factor will be fifty percent (50%) by
4 the core instruction per-pupil amount.

5 This act would take effect upon passage.

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