



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Administration
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Memorandum

To: The Honorable Raymond E. Gallison, Jr.
Chairman, House Finance Committee

The Honorable Daniel DaPonte
Chairman, Senate Finance Committee

From: Thomas A. Mullaney
Executive Director/State Budget Officer

Date: March 30, 2016

Subject: Amendment to Article 11 – Strengthening Rhode Island Schools

The Governor requests that Article 11, “Relating to Strengthening Neighborhood Schools” be amended by 1) removing Sections 2 and 5 of the Governor’s original submission, and 2) by adding the attached new language as a new section to Article 11.

The Governor’s original Article 11 had struck language requiring the State to provide transition financing for communities that had not yet implemented full-day kindergarten, because in accordance with law, all schools would be transitioned by FY 2017. Due to delay of some communities in providing full-day kindergarten, the Governor restores these sections in this amendment, guaranteeing that all communities are able to meet the upcoming statutory deadline of universal full-day kindergarten by the start of the 2016-2017 school year. The funding to restore the transition money has been identified and will be included as part of an amendment to Article 1 ‘Making Appropriations for the Support of the State for the Fiscal Year Ending June 30, 2017’ scheduled to be submitted next week.

The new statutory language included in the Amendment expands upon the Governor’s plan for transforming the State’s school systems by offering a new ‘Family and School Empowerment Act’. Like Massachusetts, the new language will establish voluntary ‘empowerment schools’ that will receive unprecedented levels of regulatory and statutory flexibility; school-based autonomy, including autonomy over budget; flexibility in school-based instructional policies and professional practices defined through shared leadership; and be uniquely positioned to create compelling learning environments responsive to increased student and parent/family empowerment. Similarly, the language would allow for students and their parents/families to enroll in an empowerment school that is different than their assigned school based on residence, in order to

seek innovative instructional policies and practices that best match their learning needs, provided that the empowerment school has elected, as part of its empowerment plan, to accept students from other schools within or outside the student's district of residence. The new language is denoted by shading and underline.

TAM: 17-Amend-1
Attachment

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Michael DiBiase, Director of Administration
Jonathan Womer, Director, Office of Management and Budget
Elizabeth Leach, Supervising Budget Analyst

1 (d) Commencing July 1, 2017, and on a continuing basis thereafter, each local education agency
2 shall submit a “budget only” file that conforms with UCOA requirements to the department of elementary
3 and secondary education within 30 days of the city/town adoption of the budget.

4 (e) Using data from the uniform chart of accounts, on an annual basis the department of elementary
5 and secondary education shall publish on its website and provide the general assembly with a performance
6 dashboard indicating the per-pupil expenditures of each public school and school district broken down by
7 revenue sources and expenditure categories. Further, the department shall provide, within the same
8 dashboard, student performance indicators for each public school and school district.

9 (f) Commencing July 1, 2017, and on a continuing basis thereafter, each local education agency
10 shall post the following information on its website in a downloadable format, for free public access:

11 (1) The local education agency's annual budget, commencing with the budget for the 2017-18
12 budget year, that includes, at a minimum, information at the program and school levels;

13 (2) The local education agency shall post a link to the statewide website operated by the department
14 of elementary and secondary education which will publish the school and district level “budget only” and
15 UCOA expenditure data.

16 (3) Each local education agency shall update the information specified in paragraph (1) of this
17 section within sixty days after adoption and/or making any changes to the local education agency's budget,
18 including any changes made to the budgets of an individual program or school.

19 ~~(d)~~(g) If any school district, regional school district, state school, or charter school fails to
20 install and maintain the uniform system of accounting, including a chart of accounts and approved budget
21 model, or fails to keep its accounts and interdepartmental records, or refuses or neglects to make the reports
22 and to furnish the information in accordance with the method prescribed by the office of auditor general
23 and the department of education, or hinders or prevents the examination of accounts and financial records,
24 the auditor general and the commissioner of education, and/or their respective designee(s), shall make a
25 report to the superintendent of schools of the local education agency, the school committee chairperson, the
26 mayor or town manager, and the president of the town council, and/or for a charter school, to the board of

1 trustees or directors, as applicable, in writing, specifying the nature and extent of the failure, refusal, neglect,
2 hindrance, or prevention, and the commissioner is hereby authorized and directed to review the matter so
3 reported. If the commissioner shall find that failure, refusal, neglect, hindrance, or prevention exists and
4 that the school district, regional school district, state school, or charter school should properly comply in
5 the matter so reported, the commissioner shall direct the school district, regional school district, state school,
6 or charter school, in writing, to so comply. If the failure, refusal, neglect, hindrance, or prevention shall
7 continue for a period of ten (10) days following the written direction, the commissioner may request the
8 board of education for approval to withhold distribution of state aid to said school district, regional school
9 district, state school, or charter school. The board shall hold a hearing and provide the subject school and/or
10 district notice and an opportunity to be heard at said hearing. After hearing thereon, the board may authorize
11 the commissioner to withhold the distribution of state aid to said school district, regional school district,
12 state school, or charter school, if the board determines such sanction is appropriate.

13 (e)(h) The department of elementary and secondary education, in consultation with the
14 division of municipal finance, shall conduct periodic reviews and analysis of school revenues and expenses.
15 The department shall also review and monitor compliance with the approved budget model and best
16 practices. The department shall identify those local education agencies considered to be at risk of a year-
17 end deficit or a structural deficit that could impact future years. Such potential deficits shall be identified
18 based on the periodic reviews, which may also include on-site visits and reporting in accordance with the
19 provisions of § 45-12-22.2. Potential deficits shall be reported to the office of municipal finance, office of
20 auditor general, superintendent, chairman of the school committee, mayor or town manager, and the
21 president of the town council, of the applicable school district, regional school district, or state school,
22 and/or for a charter school, to the board of trustees or directors, as applicable.

23 SECTION 2. Section 16-7-23 of the General Laws in Chapter 16-7 entitled "Foundation Level
24 School Support" are hereby amended to read as follows:

25 **§ 16-7-23. Community requirements – Adequate minimum budget provision.** – (a) The school
26 committee's budget provisions of each community for current expenditures in each budget year shall

1 provide for an amount from all sources sufficient to support the basic program and all other approved
2 programs shared by the state. Effective in fiscal year 2018 and except to the extent permitted by §§ 16-7-
3 23.1 and 16-7-23.2, each community shall contribute local funds to its school committee in the greater of
4 the following two amounts:

5 (1) ~~an amount not less than it's the local contribution for schools in the previous fiscal year except~~
6 ~~to the extent permitted by §§ 16-7-23.1 and 16-7-23.2. Provided, that for the fiscal years 2010 and 2011~~
7 ~~each community shall contribute to its school committee in an amount not less than ninety five percent~~
8 ~~(95.0%) of its~~ increased in accordance with the CPI-U measure from the most recent state fiscal year; or

9 (2) the local contribution for schools for the fiscal year 2009; in the previous fiscal year increased
10 on a per pupil basis for each additional pupil when average daily membership as defined in §16-7-16(2)
11 increases by at least one percent (1%) for two consecutive years.

12 (b) Calculation of the annual local contribution shall not include Medicaid revenues received by
13 the municipality or district pursuant to chapter 8 of title 40. A community which has a decrease in
14 enrollment may compute maintenance of effort on a per pupil rather than on an aggregate basis when
15 determining its local contribution but must still adjust its net contribution after the deduction for enrollment
16 decline by the most recent state fiscal year CPI-U increase; Furthermore, a community which experiences
17 a ~~non-recurring nonrecurring~~ expenditure for its schools may deduct the non-recurring expenditure in
18 computing its maintenance of effort. The deduction of ~~non-recurring nonrecurring~~ expenditures shall be
19 with the approval of the commissioner. Provided, however, that notwithstanding any provision of this title
20 to the contrary, debt service that is no longer carried on the books of any school district shall not be included
21 in any school districts' annual budget, nor shall non-recurring debt service be included in maintenance of
22 effort as set forth in this chapter, nor shall any ~~non-recurring non-recurring~~ debt service be included in the
23 operating budget of any school district. For the purposes set forth above non-recurring capital lease
24 payments shall be considered non-recurring debt service. The courts of this state shall enforce this section
25 by means of injunctive relief.

1 ~~(b)~~(c) Whenever any state funds are appropriated for educational purposes, the funds shall be used
2 for educational purposes only and all state funds appropriated for educational purposes must be used to
3 supplement any and all money allocated by a city or town for educational purposes and, in no event, shall
4 state funds be used to supplant, directly or indirectly, any money allocated by a city or town for educational
5 purposes. All state funds shall be appropriated by the municipality to the school committee for educational
6 purposes in the same fiscal year in which they are appropriated at the state level even if the municipality
7 has already adopted a school budget. All state and local funds unexpended by the end of the fiscal year of
8 appropriation shall remain a surplus of the school committee and shall not revert to the municipality. Any
9 surplus of state or local funds appropriated for educational purposes shall not in any respect affect the
10 requirement that each community contribute local funds in an amount determined by ~~not less than its local~~
11 ~~contribution for schools in the previous fiscal year, subject to~~ subsection (a) of this section, and shall not in
12 any event be deducted from the amount of the local appropriation required to meet the maintenance of effort
13 provision in any given year.

14 SECTION 3. Sections 16-7.2.1, 16-7.2-3, 16-7.2-4, 16-7.2-5, and 16-7.2-6 of the General Laws in
15 Chapter 16-7.2 entitled "The Education Equity and Property Tax Relief Act" are hereby amended to read
16 as follows:

17 **§ 16-7.2-1. Legislative findings.** – (a) The general assembly recognizes the need for an
18 equitable distribution of resources among the state's school districts, property tax relief and a predicable
19 method of distributing education aid. The general assembly finds that there is a need to reform the way
20 public education is financed because:

21 (1) All children should have access to an adequate and meaningful education regardless of their
22 residence or economic means;

23 (2) A school funding system should treat property taxpayers equably, limit the portion of school
24 budgets financed by property taxes, and establish sufficient cost controls on school spending;

25 (3) The state should ensure that its school funding structure adequately reflects the different needs
26 of students, and closes the educational inequities among the state's school districts; and

1 (4) The state education funding system should provide a predicable amount and source of funding
2 to ensure stability in the funding of schools.

3 (b) The intent of this chapter is to promote a school finance system in Rhode Island that is
4 predicated on student need and taxpayer ability to pay. A new school funding system in the state should
5 promote educational equity for all students and reduce the reliance on the property tax to fund public
6 education. This legislation is intended to ensure educational opportunity to each pupil in each city or town
7 on substantially equal terms. Adequate per pupil support will be provided through a combination of state
8 school aid and local education property tax levies.

9 (c) In order to ensure the predictability, equity, and accuracy of the distribution of state education
10 aid pursuant to this chapter, the department of elementary and secondary education shall review the overall
11 functioning of the formula and systems set forth herein in intervals of no less than every five fiscal years
12 and make appropriate recommendations to the General Assembly.

13 **§ 16-7.2-3. Permanent foundation education aid established.** – (a) Beginning in the 2012 fiscal
14 year, the following foundation education aid formula shall take effect. The foundation education aid for
15 each district shall be the sum of the core instruction amount in (a)(1) and the amount to support high need
16 students in (a)(2), which shall be multiplied by the district state share ratio calculated pursuant to § 16-7.2-
17 4 to determine the foundation aid.

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

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

3 (2) The amount to support high need students beyond the core instruction amount shall be
4 determined by multiplying a student success factor of forty percent (40%) by the core instruction per pupil
5 amount described in § 16-7.2-3(1) and applying that amount ~~to all resident children eligible for USDA~~
6 reimbursable school meals for each resident child whose family income is at or below 185% of federal
7 poverty guidelines, hereinafter referred to as "poverty status."

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

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

14 **§ 16-7.2-4. Determination of state's share.** –(a) For each district, the state's share of the
15 foundation education aid calculated pursuant to § 16-7.2-3(a) shall use a calculation that considers a
16 district's revenue generating capacity and concentration of high-need students. The calculation is the square
17 root of the sum of the state share ratio for the community calculation, ~~(SSRC)~~, pursuant to § 16-7-20,
18 squared plus the district's percentage of students ~~eligible for USDA reimbursable school meals~~ in grades
19 PK-6 ~~in poverty status (PK6FRPL)~~-squared, divided by two.

20 (b) For purposes of determining the state's share, school district student data used in this
21 calculation shall include charter school and state school students. These ratios are used in the permanent
22 foundation education aid formula calculation described in § 16-7.2-5.

23 **§ 16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical High**
24 **School, and the Metropolitan Regional Career and Technical Center,** – (a) Charter public schools as
25 defined in chapter 77 of this title, the William M. Davies, Jr. Career and Technical High School (Davies)
26 and the Metropolitan Regional Career and Technical Center (the Met Center) shall be funded pursuant to §

1 16-7.2-3. If the October 1 actual enrollment data for any charter-public school shows a ten percent (10%)
2 or greater change from the prior year enrollment which is used as the reference year average daily
3 membership, the last six monthly ~~third and fourth quarter~~ payments to the charter public school will be
4 adjusted to reflect actual enrollment. The state share of the permanent foundation education aid shall be
5 paid by the state directly to the charter public schools, Davies, and the Met Center pursuant to § 16-7.2-9
6 and shall be calculated using the state share ratio of the district of residence of the student as set forth in §
7 16-7.2-4. The department of elementary and secondary education shall provide the general assembly with
8 the calculation of the state share of permanent foundation education aid for charter public schools delineated
9 by school district.

10 (b) Beginning in FY 2017, there shall be a \$355 per pupil reduction to the local funding sent by the
11 district of residence to charter public schools, Davies, and the Met Center. This reduction is the result of
12 balancing expenses in the areas of debt service, rental, retiree health benefits, out of district special
13 education placement, services for 18-21-year old students, pre-school screening and intervention, and career
14 and technical education tuition. In order to ensure accuracy, this overall adjustment shall be reviewed and
15 recalculated every three years in a manner to be determined by the commissioner of elementary and
16 secondary education.

17 ~~The department shall also provide the general assembly a performance dashboard indicating the~~
18 ~~per pupil expenditures of each school district and charter school broken down by revenue sources and~~
19 ~~expenditure categories. The department shall provide, within the same dashboard, student performance~~
20 ~~indicators for each school district or charter school.~~ (c) The local share of education funding, as defined by
21 the department of elementary and secondary education ~~and approved by the General Assembly~~, shall be
22 paid to the charter public school, Davies, and the Met Center by the district of residence of the student and
23 shall be the local per-pupil cost, which consists of ~~calculated by dividing~~ the local appropriation to
24 education from property taxes, net of debt service, ~~and capital projects~~, and the local share of education
25 funding paid to the charter public schools, Davies, and the Met Center in reference year 2014, as defined

1 in the uniform chart of accounts, divided by the average daily membership for each city and town, pursuant
2 to § 16-7-22, for the reference year.

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

8 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the Met Center
9 enrollments that, combined, comprise five percent (5%) or more of the average daily membership as defined
10 in § 16-17-22 shall receive additional aid equal to the number of charter public school, open enrollment
11 schools, Davies, or the Met Center students as of the reference year as defined in 16-7-16(11) times a per
12 pupil amount of three hundred dollars (\$300). The additional aid shall be to offset the adjusted fixed costs
13 retained by the district of residence and shall be recalculated every three years in a manner to be determined
14 by the commissioner of elementary and secondary education.

15 **§ 16-7.2-6. Categorical programs, state funded expenses.** – In addition to the foundation
16 education aid provided pursuant to § 16-7.2-3 the permanent foundation education aid program shall
17 provide direct state funding for:

18 (a) ~~Excess~~ Extraordinary costs associated with special education students. ~~Excess costs are defined~~
19 ~~when an individual special education student's cost shall be deemed to be "extraordinary."~~ Extraordinary
20 costs are those educational costs that exceed the state approved threshold based on an amount greater than
21 above five times the core foundation amount (total of core instruction amount plus student success amount).
22 Effective fiscal year 2018, the approved threshold shall be based on an amount greater than four times the
23 core foundation amount. The department of elementary and secondary education shall prorate the funds
24 available for distribution among those eligible school districts if the total approved costs for which school
25 districts are seeking reimbursement exceed the amount of funding appropriated in any fiscal year;

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

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

13 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to assure that
14 appropriate funding is available to support ~~their the community, including students. Additional support for~~
15 Central Falls is needed from the community that attend the charter schools, Davies, and the Met Center
16 ~~pursuant to § 16-7.2-5, due to concerns regarding the city's capacity to meet the local share of education~~
17 ~~costs. This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs outside~~
18 ~~the permanent foundation education aid formula, including but not limited to transportation, facility~~
19 ~~maintenance, and retiree health benefits shall be shared between the state and the city of Central Falls. The~~
20 ~~fund shall be annually reviewed to determine the amount of the state and city appropriation. The state's~~
21 ~~share of this fund may be supported through a reallocation of current state appropriations to the Central~~
22 ~~Falls school district. At the end of the transition period defined in § 16-7.2-7, the municipality will continue~~
23 ~~its contribution pursuant to § 16-7-24~~ Additional support for the Davies and the Met Center is needed due
24 to the costs associated with running a stand-alone high school offering both academic and career and
25 technical coursework. The department shall recommend criteria for the purpose of allocating any and all
26 stabilization funds as may be determined by the general assembly; and

1 (e) Excess costs associated with transporting students to out of district non-public schools and
2 within regional school districts. (1) This fund will provide state funding for the costs associated with
3 transporting students to out of district non-public schools, pursuant to title 16, Chapter 21.1. The state will
4 assume the costs of non-public out-of-district transportation for those districts participating in the statewide
5 system; and (2) This fund will provide direct state funding for the excess costs associated with transporting
6 students within regional school districts, established pursuant to title 16, chapter 3. This fund requires that
7 the state and regional school district share equally the student transportation costs net any federal sources
8 of revenue for these expenditures. The department of elementary and secondary education shall prorate the
9 funds available for distribution among those eligible school districts if the total approved costs for which
10 school districts are seeking reimbursement exceed the amount of funding available in any fiscal year.

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

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

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

19 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the state's share
20 of the foundation education aid for the regionalized district as calculated pursuant to §§ 16-7.2-3 and 16-
21 7.2-4 in that fiscal year.

22 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the state's
23 share of the foundation education aid for the regionalized district as calculated pursuant to §§ 16-7.2-3 and
24 16-7.2-4 in that fiscal year.

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

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

3 (7) The department of elementary and secondary education shall prorate the funds available for
4 distribution among those eligible regionalized school districts if the total approved costs for which
5 regionalized school districts are seeking a regionalization bonus exceed the amount of funding appropriated
6 in any fiscal year.

7 (g) Costs associated with English learners (EL). The amount to support EL students shall be
8 determined by multiplying an EL factor of ten percent (10%) by the core instruction per pupil amount
9 defined in § 16-7.2-3(a)(1) and applying that amount to EL students identified using widely adopted,
10 independent standards and assessments identified by the Commissioner. All categorical funds distributed
11 pursuant to this subsection must be used to provide high-quality, research-based services to EL students
12 and managed in accordance with requirements set forth by the commissioner of elementary and secondary
13 education. The department of elementary and secondary education shall prorate the funds available for
14 distribution among eligible recipients if the total calculated costs exceed the amount of funding available
15 in any fiscal year.

16 (g)(h) Categorical programs defined in (a) through (f) shall be funded pursuant to the transition
17 plan in § 16-7.2-7.

18 SECTION 4. Section 16-77.2-5 of the General Laws in Chapter 16-77.2 entitled "District
19 Charter School" is hereby amended to read as follows:

20 **§ 16-77.2-5. Budgets and funding.** – (a) It is the intent of the general assembly that funding
21 pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment
22 of a district charter school. Funding for each district charter school shall consist of state revenue and
23 municipal or district revenue in the same proportions that funding is provided for other schools within the
24 sending school district(s).

25 ~~(b) The amount of funding which shall be allocated to the district charter school by the sending~~
26 ~~school district(s) shall be equal to a percentage of the total budgeted expenses of the sending school~~

1 district(s) which is determined by dividing the number of students enrolled in the district charter school by
2 the total resident average daily number of students in the sending school district(s).

3 ~~(e)~~(b) Funding additional to that authorized from the sending school district(s) by
4 subsection (b) may be allocated to the district charter school from the sending school district(s) to the extent
5 that the combined percentage of students eligible for free or reduced cost lunch, students with limited
6 English proficiency, and students requiring special education exceed the combined percentage of those
7 students in the sending school district(s) as a whole. The commissioner shall promulgate rules and
8 regulations consistent with this section regarding the allocation of funds from sending school districts to
9 district charter schools.

10 ~~(d)~~(c) All services centrally or otherwise provided by the school district in which the district charter
11 school is located which the district charter school decides to utilize including, but not limited to,
12 transportation, food services, custodial services, maintenance, curriculum, media services, libraries,
13 nursing, and warehousing, shall be subject to negotiation between a district charter school and the school
14 district in which the district charter school is located and paid for out of the revenues of the district charter
15 school. Disputes with regard to cost of services requested from the school district in which the district
16 charter school is located will be adjudicated by the commissioner.

17 ~~(e)~~(d) A district charter school shall be eligible to receive other aids, grants, Medicaid revenue, and
18 other revenue according to Rhode Island law, as though it were a school district. Federal aid received by
19 the state shall be used to benefit students in the charter public school, if the school qualifies for the aid, as
20 though it were a school district.

21 ~~(f)~~(e) A district charter school may negotiate and contract directly with third parties for the purchase
22 of books, instructional materials, and any other goods and services which are not being provided by the
23 sending school district(s) pursuant to the charter.

24 ~~(g)~~ Any career technical charter public school enrolling special education students from outside
25 school districts with verifiable individual education program (IEP) designations shall receive from the

1 sending school district(s) the average per pupil special education cost of the sending district, in accordance
2 with standards established by the Rhode Island department of secondary and elementary education.

3 SECTION 5. Section of 16-77.3-5 of the General Laws in Chapter 16-77.3 entitled "Independent
4 Charter Schools" is hereby amended to read as follows:

5 **§ 16-77.3-5. Budgets and funding.** – (a) It is the intent of the general assembly that funding
6 pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment
7 of an independent charter school. Funding for each independent charter school shall consist of state revenue
8 and municipal or district revenue in the same proportions that funding is provided for other schools within
9 the sending school district(s).

10 (b) The amount of funding which shall be allocated to the independent charter school by the sending
11 school district(s) shall be equal to a percentage of the total budgeted expenses of the sending school
12 district(s) which is determined by dividing the number of students enrolled in the district charter school by
13 the total resident average daily number of students in the sending school district(s).

14 (e)(b) Funding additional to that authorized from the sending school district(s) by subsection (b)
15 may be allocated to the independent charter school from the sending school district(s) to the extent that the
16 combined percentage of students eligible for free or reduced cost lunch, students with limited English
17 proficiency, and students requiring special education exceed the combined percentage of those students in
18 the sending school district(s) as a whole. The commissioner shall promulgate rules and regulations
19 consistent with this section regarding the allocation of funds from sending school districts to independent
20 charter schools.

21 (d)(c) An independent charter school shall be eligible to receive other aids, grants, Medicaid
22 revenue, and other revenue according to Rhode Island law, as though it were a school district. Federal aid
23 received by the state shall be used to benefit students in the independent charter school, if the school
24 qualifies for the aid, as though it were a school district.

1 ~~(e)(d)~~ An independent charter school may negotiate and contract directly with third parties for the
2 purchase of books, instructional materials, and any other goods and services which are not being provided
3 by the sending school district(s) pursuant to the charter.

4 ~~(f) Any career/technical charter public school enrolling special education students from outside~~
5 ~~school districts with verifiable individual education program (IEP) designations shall receive from the~~
6 ~~sending school district(s) the average per pupil special education cost of the sending district, in accordance~~
7 ~~with standards established by the Rhode Island department of elementary and secondary education.~~

8 SECTION 6. Section 16-77.4-5 of the General Laws in Chapter 16-77.4 entitled "Mayoral
9 Academies" is hereby amended to read as follows:

10 § 16-77.4-5. Budgets and funding. – (a) It is the intent of the general assembly that
11 funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the
12 establishment of a mayoral academy. Funding for each mayoral academy shall consist of state revenue and
13 municipal or district revenue in the same proportions that funding is provided for other schools within the
14 sending school district(s).

15 ~~(b) The amount of funding which shall be allocated to the mayoral academy by the sending school~~
16 ~~district(s) shall be equal to a percentage of the total budgeted expenses of the sending school district(s)~~
17 ~~which is determined by dividing the number of students enrolled in the mayoral academy by the total~~
18 ~~resident average daily number of students in the sending school district(s).~~

19 ~~(e)(b)~~ Funding additional to that authorized from the sending school district(s) ~~by subsection (b)~~
20 may be allocated to the mayoral academy from the sending school district(s) to the extent that the combined
21 percentage of students eligible for free or reduced cost lunch, students with limited English proficiency,
22 and students requiring special education exceed the combined percentage of those students in the sending
23 school district(s) as a whole. The commissioner shall promulgate rules and regulations consistent with this
24 section regarding the allocation of funds from sending school districts to mayoral academies.

25 ~~(d)(c)~~ A mayoral academy shall be eligible to receive other aids, grants, Medicaid revenue, and
26 other revenue according to Rhode Island law, as though it were a school district. Federal aid received by

1 the state shall be used to benefit students in a mayoral academy, if the school qualifies for the aid, as though
2 it were a school district.

3 ~~(e)~~(d) A mayoral academy may negotiate and contract directly with third parties for the purchase
4 of books, instructional materials, and any other goods and services which are not being provided by the
5 sending school district(s) pursuant to the charter.

6 ~~(f)~~(e) Any career/technical charter public school enrolling special education students from outside
7 school districts with verifiable individual education program (IEP) designations shall receive from the
8 sending school district(s) the average per pupil special education cost of the sending district(s), in
9 accordance with standards established by the Rhode Island department of elementary and secondary
10 education.

11 SECTION 7. TITLE 16 of the General Laws entitled "Education" is hereby amended by adding
12 thereto the following chapter:

13 CHAPTER 16-3.2

14 SCHOOL AND FAMILY EMPOWERMENT ACT

15 § 16-3.2-1. Short title.-- This chapter shall be known as the school and family empowerment act
16 of 2016.

17 § 16-3.2-2. Declaration of policy.-- As part of the effort to transform education in Rhode Island,
18 the general assembly is committed to developing and supporting strategies that foster cultures of excellence,
19 innovation, and continuous improvement in Rhode Island schools. The general assembly believes that all
20 district schools benefit from effective leadership, strong labor/management collaboration, strong
21 community support and engagement, and the autonomy and flexibility to continuously improve instruction
22 and implement and adopt strategies that meet the needs of their students. The general assembly therefore
23 establishes empowerment schools, which shall remain within a public school district, under the district
24 leadership of the superintendent and school committee, but which shall be managed collaboratively on site
25 by the principal and the faculty, as an additional opportunity for supporting more high performing and
26 innovative schools within the Rhode Island system of public education. A school that volunteers to be an

1 empowerment school, as defined in this chapter, shall have unprecedented levels of regulatory and statutory
2 flexibility; school-based autonomy, including autonomy over budget; flexibility in school-based
3 instructional policies and professional practices defined through shared leadership; and be uniquely
4 positioned to create compelling learning environments responsive to increased student and parent/family
5 empowerment. Similarly, the general assembly establishes the affirmative right for students and their
6 parents/families to enroll in an empowerment school that is different than their assigned school based on
7 residence, in order to seek innovative instructional policies and practices that best match their learning
8 needs, provided that the empowerment school has elected, as part of its empowerment plan, to accept
9 students from other schools within or outside the student's district of residence.

10 **§ 16-3.2-3. Definitions.--**

11 (a) "Open enrollment" means the ability for a student to enroll in an empowerment school in the
12 state, either within or outside the student's district of residence, at no tuition cost to the student, so long as
13 that empowerment school has elected to offer open enrollment.

14 (b) "Nonresident receiving school" means an empowerment school, other than the student's
15 resident school or district that voluntarily participates in the open enrollment program and enrolls a
16 nonresident student in accordance with this chapter.

17 (c) "Open enrollment school" means the same as nonresident receiving school.

18 (d) "Resident district" means the district of residence for school purposes of the parent/guardian
19 and the district in which an open enrollment student shall be counted for the purpose of generating state aid
20 regardless of the district in which the student is enrolled.

21 (e) "Sending district" is synonymous with the term resident district.

22 **§ 16-3.2-4. The empowerment school.--** (a) The following entities may be designated as an

23 empowerment school: a school in a public school district, a school within a school in a public school district,
24 a career and technical education program within a public school district, a state school.

25 (b) Except as otherwise provided in this chapter, all laws, regulations, and collective bargaining
26 agreement terms and conditions shall apply to empowerment schools.

1 (c) Notwithstanding §§16-2-9 and 16-2-11, the principal and professional staff of a empowerment
2 school, acting in concert as a school leadership team, shall make decisions regarding the school's policies
3 and practices, including, but not limited to, curriculum, instructional practices, policies and procedures,
4 calendar and schedule, allocation of resources, staffing and professional development, consistent with the
5 district collective bargaining agreement and school-based amendments as defined in §16-3.2-4 (f).
6 Leadership teams shall determine methods to document and communicate the latest decisions that emerge
7 through the leadership team process. Noncertified staff, parents, students and community members may
8 also be members of the school leadership team at the school's discretion. The principal shall have final
9 authority in all instructional, personnel, managerial, and operational matters, except for those matters
10 expressly delegated to the school leadership team through the participatory leadership process, consistent
11 with the district collective bargaining agreement and school-based amendments as defined in §16-3.2-4 (f).

12 (d) Students from the district in which the empowerment school is located shall be funded either
13 pursuant to §§ 16-3.2-7 and 16-7.2-5 or, based on mutual written agreement between the superintendent
14 and the principal of the empowerment school, in accordance with an alternative agreement with the school
15 district.

16 (e) Teachers and other professional staff who work in empowerment schools shall maintain their
17 full status as members of their respective bargaining unit and as employees of the district. Service in an
18 empowerment school shall not be deemed to be an interruption of service in the school district for purposes
19 of seniority and teachers' retirement.

20 (f) Although existing collective bargaining agreements shall apply to an empowerment school,
21 empowerment schools shall be eligible to amend the existing district-wide collective bargaining agreement
22 through an expedited and timely process, subject to approval of the superintendent, district union
23 membership, and school committee. Approval or non-approval of the proposed school-based amendment
24 to the district-wide collective bargaining agreement shall be based solely on whether changes to the
25 agreement at the school level would have a negative operational impact on other schools within the district
26 or on the district as a whole. School-based amendments to the district-wide collective bargaining agreement

1 shall be non-precedent setting for future district bargaining or contract administration. In all instances, final
2 approval or non-approval by all parties of school-based amendments to the district-wide collective
3 bargaining agreement shall be made within thirty (30) days of submission of such request. Any decision
4 of the superintendent, district union members, or school committee to deny a school-based amendment to
5 the district-wide collective bargaining agreement shall be subject to appeal to the commissioner of
6 elementary and secondary education pursuant to § 16-39-2, subject only to a determination of whether all
7 processes in this chapter and corresponding regulations have been followed.

8 **§ 16-3.2-5. Procedure for creation of an empowerment school.--** (a) The commissioner of
9 elementary and secondary education shall develop a process for a public school, with the approval of its
10 superintendent and school committee, to be designated as an empowerment school with the duties,
11 responsibilities and autonomies set forth in this chapter. Said process shall also address the manner in
12 which a school and its school committee can convert an empowerment school back to a traditional public
13 school. No existing public school shall be converted into an empowerment school or back to a traditional
14 public school unless 2/3 of the full-time professional staff currently assigned to the eligible entity described
15 in § 16-3.2-4 approve the proposal. The empowerment school application process and timeline shall be
16 determined by the commissioner and include, but is not limited to, the vision for the empowerment school;
17 the means it will use to improve school performance and student achievement; performance criteria that
18 will be used to measure student learning at least sufficient to participate in the state accountability plan; a
19 plan for the governance, administration, and operation of the empowerment school; whether the school will
20 be funded via §§ 16-3.2-7 and 16-7.2-5 or through an alternative written agreement between the
21 superintendent and the principal of the empowerment school; and the state statutes, state regulations,
22 contract provisions, and school district rules from which variances or waivers are sought in order to
23 facilitate operation of the empowerment school. In order to facilitate statewide innovation, approved
24 empowerment school applications shall be posted on the department of education website.

25 (b) Upon deeming an application to be satisfactory, the superintendent and school committee shall
26 transmit its approval of the designation to the commissioner of elementary and secondary education, who

1 shall then register the school as an empowerment school subject to the duties, responsibilities, and
2 autonomies of this chapter. Nothing in this chapter shall prevent an empowerment school, as part of its
3 locally approved plan, from electing to take advantage of less than the full range of flexibility options made
4 possible by this chapter.

5 (c) If the designation of an empowerment school is approved by the superintendent and school
6 committee, the empowerment school shall be authorized to operate for a period of up to three (3) years.
7 The empowerment school plan may be modified as necessary during its period of authorization and may be
8 renewed for increments up to three (3) years utilizing the same process outlined herein for initial designation
9 and registration.

10 (d) Upon registration of the empowerment school designation by the commissioner of elementary
11 and secondary education, the commissioner shall be deemed to have authorized all necessary variances
12 from law and regulation enumerated in the application.

13 **§ 16-3.2-6. Empowerment school principal.--** (a) Principals of empowerment schools shall be
14 the educational leaders and administrators of their schools and shall supervise the operation and
15 management of their schools and school property. It shall be the responsibility of the principal to promote
16 participatory decision-making among all professional staff for the purposes of developing educational
17 policy and practices. The term professional staff shall include all teachers, administrators, instructional
18 leaders, specialists, and related service providers who are certified by the state as education professionals.
19 Principals employed under this section shall be responsible for recommending the hiring and assigning of
20 all teachers and other professional staff, athletic coaches, instructional or administrative aides and any other
21 personnel assigned to the school and for terminating all such personnel, subject to this chapter and the
22 review and approval of the superintendent. Any assignment to an empowerment school of a teacher
23 previously employed in another school in the district including, but not limited to, voluntary transfer,
24 involuntary transfer, reduction in force, and recall, shall be subject to the approval of the principal.

25 (b) The principal of the empowerment school shall serve at the pleasure of the superintendent with
26 the advice and consent of the school committee through a written contract not to exceed three years.

1 § 16-3.2-7. Budgets and funding.— (a) Funding for each empowerment school shall consist of
2 state revenue and municipal or district revenue in the same proportions that funding is provided for other
3 schools within the sending school district(s). Nothing in this chapter shall prohibit an empowerment school
4 from securing additional sources of funding, consistent with law.

5 (b) The amount of funding which shall be allocated to the empowerment school by the sending
6 school district(s) shall be equal to a percentage of the total budgeted expenses of the sending school
7 district(s) which is determined by dividing the number of students enrolled in the empowerment school by
8 the total resident average daily number of students in the sending school district(s) or, based on mutual
9 written agreement between the superintendent and the principal of the empowerment school.

10 (c) Funding additional to that authorized from the sending school district(s) by subsection (b) may
11 be allocated to the empowerment school from the sending school district(s) to the extent that the combined
12 percentage of students eligible for free or reduced cost lunch, students with limited English proficiency,
13 and students requiring special education exceed the combined percentage of those students in the sending
14 school district(s) as a whole.

15 (d) All services centrally or otherwise provided by the school district in which the empowerment
16 school is located which the empowerment school decides to utilize including, but not limited to, financial
17 services, transportation, food services, custodial services, maintenance, curriculum, professional
18 development, media services, libraries, nursing, and warehousing, shall be subject to negotiation between
19 the empowerment school and the school district in which the empowerment school is located and paid for
20 out of the revenues of the empowerment school. Nothing in this chapter shall prevent empowerment
21 schools from electing to receive the same district services as it did prior to the empowerment school
22 designation.

23 (e) An empowerment school shall be eligible to receive other aids, grants, Medicaid revenue, and
24 other revenue according to Rhode Island law, as though it were a school district. Federal aid received by
25 the state shall be used to benefit students in the empowerment school, if the school qualifies for the aid, as
26 though it were a school district.

1 (f) An empowerment school may negotiate and contract directly with third parties for the purchase
2 of goods and services, consistent with applicable law.

3 **§ 16-3.2-8. Open enrollment in empowerment schools.--** The commissioner of elementary and
4 secondary education shall establish a program of inter-district and intra-district public school choice in
5 which a public school student has the right to enroll in any empowerment school in the state that elects to
6 participate in the intra- and/or inter-district open enrollment program, subject to the parameters established
7 in this chapter. Once an empowerment school elects to receive additional students through the open
8 enrollment program, no student who enrolls through the open enrollment program shall be denied access to
9 intra-district or inter-district school choice because of gender, sexual orientation, race, ethnicity, national
10 origin, disability, income level, proficiency in the English language, or athletic ability. Funding for students
11 from outside the district in which the empowerment school is located shall be in accordance with §16-7.2-
12 5.

13 **§ 16-3.2-9. Access to public schools outside school or district of residence.--** (a) A program of
14 intra- and inter-district public school choice shall be established in order to enable a student to attend an
15 empowerment school in a nonresident school or district, provided that the receiving empowerment school,
16 as part of its approved plan, has affirmatively selected to become an intra- and/or inter-district open
17 enrollment school.

18 (b) All students shall have the right to request, from their resident school district, access to a
19 designated program or school in any open enrollment empowerment school in the state.

20 (c) The statewide open enrollment program will commence with the 2018-19 school year, in order
21 to allow sufficient time for empowerment school design-team planning and approval during the 2016-17
22 school year and one year of empowerment school pilot implementation during the 2017-18 school year.
23 Empowerment schools may also pilot open enrollment during the 2017-18 school year, however, with the
24 intent to receive only students currently enrolled in charter schools or nonpublic schools or through the
25 establishment of voluntary open enrollment agreements with sending districts during this school year.

1 (d) A school district that desires to offer open enrollment to nonresident students by designating an
2 empowerment school as offering open enrollment shall do so through the empowerment school approval
3 process described in § 16-3.2-5, which shall include adoption of a school district policy that addresses, at a
4 minimum: a description of programs and schools and the number or range of projected student openings in
5 each school and/or program identified by grade level that will be available for selection; provision for
6 providing information to parents of prospective nonresident students about the open enrollment program;
7 and, a description of the student application process and any criteria required for admission.

8 (e) Once an open enrollment empowerment school is established, a student who lives in a Rhode
9 Island school district shall have right of access to open enrollment in the specified schools and programs,
10 limited only by the following three conditions:

11 (1) *Availability of enrollment seats.* No receiving district shall be required to accept an open
12 enrollment request if it has insufficient classroom space or insufficient instructional capacity to
13 accommodate the student. For the purposes of this section, “insufficient classroom space” and “insufficient
14 instructional capacity” means that the school or program calculates projected enrollment for the following
15 academic year to be at least 85% of its physical or programmatic capacity.

16 (2) *Geographic location.* A student accepted into a nonresident school or program may not be
17 denied access based on geographic proximity. Students requesting access to a school or program within
18 their school transportation region shall be provided transportation by the nonresident receiving district;
19 students outside their established school transportation region may enroll in such schools or programs, but
20 neither the resident school district nor the nonresident school district shall be responsible for the costs of
21 the transportation.

22 (3) *Fair, equitable, and reasonable admission standards.* Nonresident receiving school districts
23 are authorized to set reasonable, fair, equitable, and program-appropriate admission standards in accordance
24 with § 16-3.2-5.

1 Any student denied access to a nonresident school or program shall have the right of appeal,
2 consistent with law, and through the policies and procedures managed by the school district responsible for
3 the denial of access.

4 **§ 16-3.2-10. Admissions.--** (a) Open enrollment empowerment schools shall have the right to
5 develop and employ appropriate program and/or grade level specific admission criteria. Admission criteria
6 shall:

7 (1) Be clearly derived from the academic and instructional demands of the program and/or grade
8 level;

9 (2) Adhere to all relevant RIDE-developed admission standards; and,

10 (3) Not result in discriminatory admissions decisions.

11 School districts that employ program and/or grade level specific admission criteria shall develop
12 and implement an admissions policy that is formally adopted and made publicly available. The policy shall
13 include no less than (1) the admissions criteria used in the selection process; (2) the application process and
14 continuing enrollment conditions; and (3) a review and appeal process for any student denied admission to
15 a school or program.

16 (b) Should demand for available seats in an open enrollment empowerment school or program
17 exceed capacity for enrollment, the nonresident district shall use a lottery process that fairly and equitably
18 selects nonresident students from the entire pool of applicants meeting the minimum admissions standards.

19 (c) In all cases, school districts and open enrollment empowerment schools shall prioritize program
20 and school enrollment for resident students.

21 (d) An open enrollment empowerment school shall not prohibit the enrollment of a student who
22 has otherwise met the admissions criteria based upon a determination that the additional cost of educating
23 the student would exceed the amount of additional State and local aid received as a result of the student's
24 enrollment. Students denied access to a school or program based on the admissions process or admissions
25 criteria shall reserve the right of appeal, as described above, and the right to apply for another non-resident
26 school or program of their choice.

1 **§ 16-3.2-11. Duration of enrollment in receiving district.**-- (a) A student accepted for enrollment
2 in an open enrollment empowerment school or program pursuant to this chapter shall be entitled to remain
3 enrolled therein until graduation from the school or completion of the program into which the student was
4 enrolled, even if the empowerment status of the school is terminated, consistent with law.

5 (b) At any time, the student may elect to re-enroll in the district of residence or apply for enrollment
6 in another empowerment school participating in open enrollment.

7 **§ 16-3.2-12. Review of empowerment schools.**-- Each empowerment school shall be reviewed by
8 the department of elementary and secondary education on a schedule determined by the commissioner.
9 Based on an evaluation of the empowerment school's plan, its impact on student achievement, or its impact
10 on the health and welfare of its students or staff, the commissioner may, in extreme circumstances and at
11 any time during the empowerment school's authorized period of operation, recommend to the council on
12 elementary and secondary education that the empowerment school's designation and registration, and/or its
13 open enrollment designation, be revoked. Prior to recommending to the council that a empowerment
14 school's designation and registration be revoked, the commissioner shall provide the school,
15 superintendent, and school committee with specific notice of the reasons for revocation and grant the school
16 and school committee an opportunity to be heard in accordance with the process set forth in Chapter 39 of
17 this title.

18 **§ 16-3.2-13. Portions of title 16 applicable to empowerment schools.**-- In addition to federal law
19 and this chapter, the following provisions of this title shall be binding on empowerment schools.
20 Accordingly, neither school committees nor the commissioner may endorse or approve any request for
21 waiver of the following provisions pursuant to this chapter:

22 (1) Section 16-2-2 (minimum length of school year);

23 (2) Section 16-2-17 (right to a safe school);

24 (3) Section 16-8-10 (federal funds for school lunch);

25 (4) Section 16-12-3 (duty to cultivate principles of morality);

26 (5) Section 16-12-10 (immunity for report of suspected substance abuse);

- 1 (6) Sections 16-13-2, 16-13-3 (teachers' tenure)
- 2 (7) Chapter 16-16-2 (teachers' retirement);
- 3 (8) Section 16-19-1 (compulsory attendance);
- 4 (9) Section 16-20-1 (school holidays enumerated);
- 5 (10) Sections 16-21-3 and 16-21-4 (fire safety);
- 6 (11) Sections 16-21-10, 16-21-14, and 16-21-16 (health screenings);
- 7 (12) Section 16-22-9 (uniform testing);
- 8 (13) Section 16-24-2 (regulations of state board pertaining to children with disabilities);
- 9 (14) Section 16-38-1 (discrimination because of race or age);
- 10 (15) Section 16-38-1.1 (discrimination because of sex);
- 11 (16) Section 16-38-2 (immunizations);
- 12 (17) Section 16-38-4 (exclusive clubs);
- 13 (18) Section 16-38-6 (commercial activities prohibited);
- 14 (19) Section 16-38-9 (misconduct of school officers);
- 15 (20) Section 16-38-10 (power of officials to visit schools);
- 16 (21) Section 16-39-1 (appeal of matters of dispute to commissioner);
- 17 (22) Section 16-39-2 (appeal of school committee actions to commissioner);
- 18 (23) Section 16-39-3 (appeal to state board);
- 19 (24) Section 16-39-3.1 (enforcement of final decision);
- 20 (25) Section 16-39-3.2 (interim protective orders);
- 21 (26) Section 16-39-8 (subpoena power of commissioner);
- 22 (27) Section 16-40-16 (student records);
- 23 (28) Section 16-71-1 (Educational Record Bill of Rights Act);
- 24 (29) Section 16-21-21.1 (Penalties for drug, alcohol or weapons offenses);
- 25 (30) Chapter 16-21.5 (Student interrogations).

1 Although waivers from chapter 16-11 entitled "Certification of Teachers" are permissible, teachers
2 in an empowerment school must hold at least one teacher certification, which may be different than the
3 certification associated with their assignment, unless such teacher is assigned to teach in a shortage area,
4 whereby the teacher shall be provided with school-based support and work toward a certification to be
5 awarded within five years of the date of assignment at the empowerment school.

6 **§ 16-3.2-14. Appropriation.--** The general assembly shall annually appropriate funds to support
7 empowerment schools. This appropriation shall be managed by the department of elementary and
8 secondary education.

9 **§ 16-3.2-15. Regulations.--** The department of elementary and secondary education shall
10 promulgate such regulations as are necessary to implement fully the purposes of this chapter.

11 SECTION 8. This article shall take effect upon passage.