

Legislative Wrap-Up

2010 SESSION OF THE RHODE ISLAND GENERAL ASSEMBLY

Selected laws and budget appropriations affecting children in the areas of economic well-being, health, safety, child care and early childhood education, and K-12 education.

ECONOMIC WELL-BEING

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Restoration of \$1.5 million for the Neighborhood Opportunities Program.

Neighborhood Opportunities Program: \$1.5 million was restored in the budget for the Neighborhood Opportunities Program to address the housing needs of low-income families and individuals with disabilities.

Rhode Island Works Program (RI Works): When RI Works replaced the Family Independence Program (FIP) in 2008, new time limits were imposed, including a periodic time limit of no more than 24 months in any 60-month period since May 1, 1997. The 2010 budget delayed the implementation of this time limit so that only assistance received since July 1, 2008 was counted. Legislation did not pass in this legislative session that would have delayed implementation of the new time limits for another year. This legislation would have prevented more than 850 families (including about 1,200 children) from losing cash assistance on July 1, 2010. Note that families can apply for a hardship extension based on "unemployment due to the recession" and other hardships.

Supplemental Nutrition Assistance Program (SNAP): Legislation was enacted that formally changed the name of Rhode Island's Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP) to align with the new federal name of this program.

HEALTH

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Maintenance of income eligibility for RIte Care at 250% of the federal poverty level (FPL) for children and at 175% FPL for parents.
- ◆ Implementation of RIte Care eligibility for legally present immigrant children.
- ◆ Increase in Children's Health Account annual per child maximum payment.

RIte Care Eligibility for Children: Eligibility for RIte Care was maintained at 250% of the federal poverty level (FPL) for children and at 175% FPL for parents. Legislation did not pass that would have increased the income eligibility limit for RIte Care for children, nor did legislation pass that would have created a RIte Care buy-in program for children. Eligibility for legally present immigrant children enacted in 2009 was implemented on April 1, 2010.

RIte Care Health Plan Contracts: Health plans will be paid lower rates to manage RIte Care. RIte Care health plan contracts are in the process of being re-procured, with new contracts starting on September 1, 2010. The following items are included as part of the RIte Care re-procurement: mandating a “generics first” pharmacy requirement for children with special health care needs and children in substitute care enrolled in RIte Care, and moving at least one health service for children, Home Based Treatment Services (HBTS), that is currently “out-of-plan” to be covered “in-plan” by RIte Care health plans.

RIte Care Premiums: A budget article that would have re-instated higher RIte Care premiums did not pass. In 2009, RIte Care premiums were rolled back to July 2008 levels.

Children’s Health Account: All private/commercial insurers must now pay a maximum of \$6,000 (up from \$5,000) per child for each of the following services: home health services; Child and Adolescent Intensive Treatment Services (CAITS); and Comprehensive Evaluation Diagnosis Assessment Referral and Re-Evaluation Services (CEDARRS).

Mental Health: Legislation was enacted that formally changed the name of the RI Department of Mental Health, Retardation and Hospitals to the Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals.

pre-kindergarten through college and develop recommendations regarding how to address these challenges. Legislation did not pass that would have allowed a child in out-of-home placement to continue to attend school in his/her original school system if the child is moved to a placement in another city/town. The federal *Fostering Connections* law requires this provision if it is “in the child’s best interest.”

RI Department of Children, Youth and Families: Legislation passed that requires DCYF to seek accreditation with the Council on Accreditation (COA). COA standards are nationally recognized as best practices for protecting and providing services to abused and neglected children.

Foster Care: Legislation was enacted that requires DCYF to develop and provide a statement of foster parents’ rights to current foster parents and ensure that it is given to future foster parents at the time of their initial foster parent training or in the case of kinship foster parents at the time of the relative child’s placement by March 1, 2011.

Juvenile Justice: Legislation did not pass that would have restored Rhode Island Family Court’s jurisdiction and sentencing authority over juveniles until the age of 21 while maintaining the maximum age of entry into the system at a youth’s 18th birthday. In 2007 the legislature briefly rolled back the jurisdiction of the Rhode Island Family Court from age 21 to age 17, then raised the maximum age of entry to 18 and limited the sentencing authority of the Rhode Island Family Court to age 19 (for youth who begin their sentences prior to their 18th birthdays).



SAFETY

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Creation of the joint legislative commission, *The Task Force on the Education of Children and Youth in the Care of the Department of Children, Youth and Families*.
- ◆ Mandate for a foster parent’s bill of rights to be developed and provided to all foster parents.

Educational Stability of Children in State Care: The legislature created a joint legislative commission, entitled *The Task Force on the Education of Children and Youth in the Care of the Department of Children, Youth and Families*. The commission will conduct a comprehensive study of the educational challenges of children and youth involved with RI Department of Children, Youth and Families (DCYF) from



CHILD CARE AND EARLY CHILDHOOD EDUCATION

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Elimination of the proposed across-the board 5% reduction in the subsidized child care rate paid to child care providers.
- ◆ Public pre-kindergarten programs will be phased in over 10 years as part of the education funding formula.

Child Care Subsidy Eligibility: The enacted FY 2011 budget maintains the current income eligibility requirement for subsidized child care to children in

families who earn at or below 180% of the FPL (\$32,958 for a family of three). Legislation did not pass that would have allowed families currently enrolled in the program to remain eligible if and when their income grows up to 225% of FPL (\$41,198 for a family of three) and child care is necessary for them to maintain employment.

Child Care Provider Rates: The proposed across-the-board 5% reduction (\$1.1 million) in the rate paid to child care providers caring for children from low-income families between January 1, 2010 and September 30, 2010 was eliminated and will not take effect.

Public Pre-Kindergarten Program: The new education funding formula law includes some categorical funding for voluntary, free high-quality pre-kindergarten programs to help close the achievement gap for children. Funding for the expansion of public pre-kindergarten programs will be phased in over 10 years, beginning in state fiscal year 2012. The current Pre-Kindergarten Demonstration Program has seven classrooms in four communities using a mixed delivery system that includes child care, Head Start and public school sites.

Head Start: State funding of \$800,000 per year for Head Start will continue for FY 2011 preserving the 129 state-funded slots for preschoolers from low-income families. There are 2,455 preschool children served by Head Start statewide.



EDUCATION

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Passage of an education funding formula for allocation of state aid to school districts based on student need and student enrollment.
- ◆ Increase of statewide limit on charter schools from 20 to 35.

State Aid to Education: The General Assembly allocated \$705 million in state education aid to school districts and state schools for FY 2011. State aid for education was reduced by \$11.5 million (1.6%) from the FY 2010 final budget.

Education Funding Formula: The General Assembly passed legislation that establishes a formula for allocating state aid for public education in Rhode

Island. The education funding formula will go into effect in 2012 and will be phased in over 10 years. The formula includes a core amount for each student statewide, and is adjusted for student need, community poverty concentrations and community ability to support education through income and property tax base. The formula includes categorical funding for high-needs special education students, career/technical education and some phased in funding for pre-kindergarten. Rhode Island was the only state without an education funding formula.

In-state Tuition for Students who are Undocumented: The General Assembly did not pass a bill that would allow undocumented Rhode Island high school graduates who have been admitted to a Rhode Island public higher education institution and meet certain residency requirements to pay in-state tuition and fees at public higher education institutions in Rhode Island.

Charter Schools: Legislation passed that increased the statewide limit on charter schools from 20 to 35. Legislation that defines a new structure for the creation, operation and funding of charter schools and that distinguishes between district charter schools, independent charters and mayoral academies was also passed.

Dropout Prevention: Legislation did not pass that would have raised the compulsory school attendance age in Rhode Island from age 16 to age 18, except for students over the age of 16 who are involved with an alternative learning plan.

Out-of-school suspensions: Legislation did not pass that would have prevented schools from disciplining habitually truant or excessively absent students with out-of-school suspensions.



FISCAL YEAR 2011 BUDGET

The Rhode Island General Assembly enacted a FY 2011 budget in the amount of \$7.86 billion. The Rhode Island General Assembly had to close an estimated budget deficit of \$220 million for FY 2010 and a budget deficit of \$428 million for FY 2011. \$2.9 billion of the FY 2011 budget is state general revenue, \$2.9 billion is federal funds, \$180 million is restricted receipts and \$1.8 billion is other funds.

2010 Rhode Island KIDS COUNT Legislative Wrap-Up



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