

# Legislative Wrap-Up

## 2012 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

- ◆ Increases the minimum wage to \$7.75, the first increase since 2007.
- ◆ Makes Rhode Island the first state in the nation to have a Homeless Bill of Rights protecting individuals and families who are homeless from discrimination due to their homeless status.
- ◆ Allows for a \$25 million affordable housing bond to be put on the ballot.

**Rhode Island Works Program (RI Works):** Legislation did not pass that would have eliminated the periodic time limit which limits families to no more than 24 months of cash assistance in any 60-month period. This legislation also would have retained the employment plan as a requirement for participation but no longer required the plan as a condition of eligibility. This change would have allowed personnel at the RI Department of Human Services and community-based agencies more time to evaluate a client's needs so that an appropriate work plan could be developed that addresses barriers to employment and both short- and long-term employment goals.

**Affordable Housing:** The FY2013 budget included approval for a \$25 million affordable housing bond to be included on this year's ballot.

**Neighborhood Opportunities Program:** The General Assembly did not fund the Neighborhood Opportunities Program (NOP), which addresses the housing needs of low-income families and individuals with disabilities through rental housing, but asked Rhode Island Housing to provide these funds from its own resources.

**Homeless Bill of Rights:** The General Assembly passed the first of its kind Homeless Bill of Rights in the nation, which provides that no one should face discrimination because they are homeless. The bill protects an individual's right to use public spaces, receive equal treatment by state agencies, seek and maintain employment, access emergency medical care, vote, and have confidentiality of private records and privacy of personal property.

**Minimum Wage:** The General Assembly approved a \$.35 increase in the minimum wage from \$7.40 per hour to \$7.75 per hour, due to take effect on January 1, 2013. This is the first increase in the minimum wage since 2007.

**Payday Lending:** Legislation did not pass that would have protected borrowers from high-interest payday loans by lowering the allowable interest rate on payday loans to 36%.

## HEALTH

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Maintains dental services for parents and pregnant women with RIte Care coverage.
- ◆ Improves health insurance coverage for treatment for children with autism.

***Dental Care for Pregnant Women and Parents with RIte Care Coverage:*** The FY2013 budget preserves Medicaid dental services for pregnant women and parents of children with RIte Care coverage, disabled adults ages 21 and older, and elders with Medicaid coverage. The Executive Office of Health and Human Services must submit a report to the General Assembly analyzing the benefit and presenting a five-year plan for dental care for adults with Medicaid coverage.

***Coverage for Treatment for Children with Autism:*** The General Assembly passed legislation to amend a law passed in 2011 that requires commercial insurance coverage for the diagnosis and treatment of autism spectrum disorders, including behavioral therapies that have proven effective. The new law requires individuals providing behavior analysis treatment to be licensed by the RI Department of Health. The mandate continues to apply only to children up to age 15, has an annual cap of \$32,000, and exempts small group coverage and direct pay health plans from the mandate.

***Affordable Care Act (ACA) Implementation / Health Care Reform:*** Consumer protection provisions in the federal ACA were incorporated into state law (for example, allowing young adults under age 26 to stay on their parents' insurance). The Executive Office of Health and Human Services and the Office of the Health Insurance Commissioner were directed to examine and report on the feasibility of instituting a Basic Health Program, an ACA option that could be a way to offer affordable insurance coverage to parents.

***Childhood Lead Poisoning:*** A resolution calling for restoration of federal funding for the Centers for Disease Control and Prevention's Healthy Homes and Lead Poisoning Prevention Program passed the RI House of Representatives. While a partial restoration has been proposed by Senator Jack Reed, a final vote is not expected until summer. If funding is not restored, the Rhode Island Childhood Lead Poisoning Prevention Program's work to prevent and treat lead poisoning will be compromised.

***Children with Disabilities:*** A bill that would have established a mechanism for children with disabilities to "buy-in" to the federal Medicaid program did not pass.

## SAFETY

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Adds \$6.1 million to the RI Department of Children, Youth and Families budget to support the implementation of Phase II of the System of Care initiative, which began on July 1, 2012.
- ◆ Reverses a 19.5% (\$375,000) reduction to Young Adults Establishing Self-Sufficiency (YESS) aftercare program that was proposed in the Governor's budget.

***RI Department of Children, Youth and Families (DCYF) Budget:*** The FY2013 budget includes an additional \$6.1 million to support the implementation of Phase II of DCYF's System of Care transformation. The additional funds will support the start-up and implementation costs associated with the July 1, 2012 roll-out of the new service delivery system in which coordinated community-based services are provided by two networks of provider agencies.

***Family Court Petitions:*** The FY2013 budget amends RI General Law 40-11-7 to restore language that was removed in the FY2012 budget that allows DCYF to directly petition Family Court for the provision of services in cases where abuse or neglect have been indicated but a child has not been removed from the home.

***Young Adults Establishing Self-Sufficiency Program:*** The FY2013 budget restored \$375,000 in general revenue to DCYF to reverse the Governor's proposed reduction of the Young Adults Establishing Self-Sufficiency (YESS) aftercare program by 19.5%.

***Life Skills, Education and Transition Planning for Youth at the Training School:*** The FY2013 budget eliminates \$53,185 in funding for life skills assessment, education and transition planning support for youth at the Rhode Island Training School.

***Sexual Offense Registration and Notification:*** Legislation did not pass that would have implemented the federal *Sexual Offender Registration and Notification Act* (SORNA) in Rhode Island, replacing the existing registration and notification system. Instead, the Senate passed a resolution to create a Special Legislative Commission to Undertake a Comprehensive Study of

Sex Offender Registration and Notification Legislation in the State of Rhode Island.

**Educational Stability for Children in Foster Care:**

Legislation did not pass that would have amended the state's residency requirements for school purposes, ensuring foster children's right to remain enrolled in and attend school in the district where they resided prior to being placed in foster care.

**Out-of-State Placement:** Legislation did not pass that would have prevented the Family Court from granting approval for an out-of-state child placement until the court determined that there were no in-state agencies that could provide the needed services. The legislation would also have required that children who are placed out-of-state must be placed in the nearest available facility to the child's home.

**Hearings at Family Court:** Legislation did not pass that would have given foster parents, pre-adoptive parents or relatives providing care for a child the right to attend hearings with respect to the child, file reports with the court and receive verbal and written notice of the results of the hearing.

## EARLY LEARNING

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Provides one-time, start-up funding for school districts that are launching universal full-day kindergarten programs.
- ◆ Maintains eligibility requirements for subsidized child care to children in families who earn at or below 180% of the federal poverty level.

**Full-Day Kindergarten:** The General Assembly passed the *Full-Day Kindergarten Accessibility Act* which, subject to appropriation, will provide one-time, start-up funding to school districts transitioning from offering part-day kindergarten to providing universal access to full-day kindergarten beginning with the 2013-2014 school year. There are currently 19 school districts that offer universal full-day kindergarten and 16 districts that do not.

**Child Care Assistance Program:** The FY2013 budget maintains the current eligibility requirements for subsidized child care to families who earn at or below 180% of the FPL (\$34,362 for a family of three in 2012). Bills to address two critical issues were submitted and received hearings but did not pass. One bill would

have helped to address the "cliff effect" problem by allowing currently eligible families to continue participating in the child care subsidy program as family income increased up to 225% of the FPL since families who earn between 180% and 225% of FPL have difficulty affording licensed child care. The other bill would have allowed currently eligible, low-income working families to access additional hours of subsidized child care in order to participate in job training or education programs.

## EDUCATION

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Fully funds the second year of the education funding formula, including Pre-K and the other categorical programs, and accelerates aid for underfunded school districts and charter schools.
- ◆ Restores state support for the administration of the School Breakfast Program.
- ◆ Prohibits schools from giving students out-of-school suspensions for absenteeism.
- ◆ Implements a number of strategies for increasing access to Advanced Placement courses.

**Education Funding Formula:** The General Assembly fully funded the second year of the education funding formula, providing an additional \$22.1 million over FY2012 and also providing an additional \$11 million to accelerate aid for underfunded school districts and charter schools. The General Assembly funded all five of the funding formula's categorical programs, including high-cost special education, career and technical education, regionalization bonuses, transportation and the State Pre-Kindergarten Program.

**Out-of-School Suspensions:** Legislation passed that prohibits schools from using a student's truancy or absenteeism as the sole basis for giving a student an out-of-school suspension.

**School Breakfast Program:** The General Assembly restored \$270,000 in state support for the administration of the School Breakfast Program. Federal dollars pay for the breakfast food.

**School Technology:** The FY2013 budget included a \$20 million technology investment to provide a wireless infrastructure to classrooms statewide to allow access to online textbooks and manage the information needed to track student, teacher and school performance.

**Non-Public School Textbooks:** The General Assembly restored \$240,000 for school districts to reimburse non-public schools for the cost of textbooks for English/language arts and history/social studies.

**Advanced Placement Courses:** The General Assembly passed multiple bills focused on increasing access to Advanced Placement (AP) courses and increasing student success in obtaining credit for such courses. These bills direct the Board of Governors for Higher Education and the Board of Regents for Elementary and Secondary Education to establish training guidelines for teachers of AP courses, encourage the use of the PSAT to identify students who are prepared to take AP courses, and, subject to appropriation, provide funding to school districts so more teachers can be trained to teach AP courses in the four core subject areas: English, mathematics, science and social science.

**Virtual Education:** Legislation passed that directs the RI Department of Elementary and Secondary Education to promulgate regulations related to virtual courses and other online courses for K-12 students and adult learners.

**Urban Collaborative Accelerated Program (UCAP):** The FY2013 budget passed by the General Assembly changes the manner in which the Urban Collaborative Accelerated Program (UCAP) receives funding so that beginning in FY2014 the school will receive state and local education funds through the funding formula in a similar manner to public charter and state schools.

**School Housing Aid:** The General Assembly did not accept the Governor's proposal to increase housing aid for charter schools. Currently reimbursed at 30% regardless of the communities they serve, the proposal would have given public charters a weighted average reimbursement rate based on the communities in which students reside.

**Expanded Learning Time:** Legislation did not pass that would have allowed the RI Department of Elementary and Secondary Education to create high-quality summer learning programs and would have provided \$500,000 in funding for the operation of these programs.

**High School Graduation Requirements:** Legislation did not pass that would have prohibited Rhode Island from using a standardized test to determine a student's eligibility to graduate from high school.

**In-State Tuition for Undocumented Youth:** The General Assembly did not pass a bill that would have put into legislation the regulations passed by the Rhode Island Board of Governors of Higher Education (RIBGHE) that 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. Legislation that would have overturned the RIBGHE regulations also did not pass.

**Restructuring of Rhode Island's Educational Oversight Bodies:** As part of the FY2013 budget, the General Assembly began the process of establishing a new Rhode Island Board of Education that will replace the Board of Regents for Elementary and Secondary Education and the Board of Governors for Higher Education, effective January 1, 2013. The budget also requires that the newly established Rhode Island Board of Education submit a report to the Governor by July 1, 2013 detailing how all administrative functions of the Office of Higher Education should be distributed to the three public higher education institutions - CCRI, RIC and URI. The General Assembly did not accept the Governor's proposal to merge the Rhode Island Higher Education Assistance Authority (RIHEAA) with the Office of Higher Education.



## FISCAL YEAR 2013 BUDGET

The Rhode Island General Assembly enacted a FY2013 budget in the amount of \$8.1 billion. The Rhode Island General Assembly had to close a budget deficit of an estimated \$130 million for FY2013. The budget consists of \$3.3 billion in state general revenue, \$2.7 billion in federal funds, \$233 million in restricted receipts and \$1.9 billion in other funds.



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