



Legislative Wrap-Up

2018 Session of the Rhode Island General Assembly

Selected laws and budget appropriations affecting children in the areas of economic well-being, early learning and development, education, health, and safety.

Early Learning & Development

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The FY 2019 budget includes \$3.6 million in increased federal funding to improve access to high-quality child care in the Child Care Assistance Program.
- ◆ Tiered quality rates for the Child Care Assistance Program were established in statute for children under age six enrolled in centers.
- ◆ State Pre-K received a \$1.1 million increase to provide high-quality early education to four-year-olds.

Child Care Assistance Program (CCAP) – Quality: The FY 2019 budget includes a \$3.6 million increase in federal funding to increase and establish tiered quality rates for children under age six enrolled in centers through CCAP. The FY 2019 budget does not include any new state funding to support tiered quality rates. The funding increase will mean up to a 33% increase for infants and toddlers and up to a 21% increase for preschool-age children. The increases will meet the federal benchmark for providing equal access to quality care for infants and toddlers (at or above the 75th percentile of the 2015 market rate survey). The FY 2019 budget does not include any new state funding to support tiered quality rates. In

addition, the budget includes an increase of \$1.1 million in federal funding for family child care providers who serve children in CCAP to cover a flat rate increase and coverage for sick time.

CCAP – Access: The FY 2019 budget includes funding for the state to provide families with 12 months of continuous eligibility for CCAP. It did not include \$200,000 in funding for a new pilot program to allow parents enrolled in one of the state's public institutions of higher education to qualify for child care assistance.

Child Care Licensing: The FY 2019 budget includes language that will allow the state to use progressive intermediate sanctions, including education and training, fines, and suspension of licenses, to promote compliance with child care licensing regulations.

State Pre-K Program: The FY 2019 budget includes a \$1.1 million increase for the Rhode Island State Pre-K program bringing total state funding to \$7.7 million. Combined with \$4.4 million in federal funds, the State Pre-K program will provide high-quality early education to 1,080 four-year-old children in 2018-2019.

Head Start: The FY 2019 budget provides level funding for Head Start at \$1.2 million, covering the cost for 130 low-income children to participate in the program statewide.

Dyslexia Legislation: The General Assembly did not pass any of the legislation that was introduced to provide professional development opportunities for teachers to improve instruction of children with reading disabilities.

Kindergarten Curriculum: The Rhode Island Department of Education will receive \$100,000 in state funding to provide training to kindergarten teachers implementing a high-quality, research-based curriculum where children learn through play.

Early Childhood Innovation Act: Legislation did not pass that would have established a competitive grant program overseen by the Rhode Island Department of Human Services to support innovative and effective early childhood models for infants and toddlers.

Out-of-School-Time Commission: The Rhode Island House of Representatives passed a resolution establishing a study commission to make recommendations to improve and increase the number of quality after school and summer learning programs in the state.

Paid Family Leave: Legislation did not pass that would have expanded the state's paid family leave program, Temporary Caregiver's Insurance, to increase the length of coverage from two to four weeks and adjust the financing model to better meet the needs of low-wage workers.

Maternal Depression: Legislation did not pass that would have improved the identification and treatment of maternal depression.

2020 Census: The Senate passed a resolution to create a Rhode Island Complete Count Committee to develop a coordinated Census outreach program to increase awareness about the 2020 Census and motivate Rhode Island residents to participate.

Earned Income Tax Credit (EITC): Legislation did not pass that would have increased the state's EITC from 15% to 20% to make it a higher percentage of the federal EITC and more in line with neighboring states.

Minimum Wage: Legislation did not pass that would have gradually increased the minimum wage for hourly employees from \$9.60 to \$15.00 per hour beginning January 1, 2022 and that would have gradually increased the minimum wage for hourly employees receiving gratuities from \$3.89 to \$15.00 per hour beginning January 1, 2026.

Housing Discrimination: Legislation did not pass that would have prohibited discrimination in housing against people who have a lawful source of income, including a Section 8 (Housing Choice) voucher or any other type of rental assistance.

Housing and Homelessness Leadership and Funding: The FY 2019 budget does not include funds recommended by the Governor to hire a Deputy Secretary of Commerce to focus primarily on housing and homelessness issues. The FY 2019 budget does not include a transfer of \$5.0 million from RI Housing to state general revenues for FY 2019 and does not increase the FY 2018 transfer to general revenues by an additional \$5.0 million.

Payday Lending: Legislation did not pass that would have repealed payday lenders' special exemption which allows them to charge interest rates of up to 260% on short-term loans secured by a borrower's paycheck.

Economic Well-Being

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Legislation passed that allows current and past recipients of DACA to obtain drivers licenses.

Drivers Licenses for DACA Recipients: Legislation passed that requires the Rhode Island Department of Motor Vehicles to issue drivers licenses to Rhode Island Dreamers, residents who are current or past recipients of deferred action under the Deferred Action for Childhood Arrivals (DACA) Executive Order. This legislation specifies that it does not confer the right to vote in Rhode Island.

Education

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ A \$250 million school construction, renovation, and rehabilitation bond was approved for the November 2018 ballot.
- ◆ Education funding through the funding formula (including Pre-K) was increased.

Education Funding Formula: The eighth year of the education funding formula was fully funded for FY 2019, with an additional \$23.4 million over FY 2018. Funding includes an additional \$1.1 million for the State Pre-K program, \$600,000 for transportation, and \$250,000 for English Learners (ELs) bringing the total funding to support ELs in FY 2019 to \$2.7 million.

School Construction Aid: Article 5 of the FY 2019 budget submits ballot referenda to the Rhode Island voters for their approval, including Question 1 which provides \$250 million in public obligation bonds for the construction, renovation, and rehabilitation of Rhode Island public schools. Article 9 of the FY 2019 budget includes temporary incentives targeted toward high-priority projects, including projects that address health and safety deficiencies; support educational priorities including early childhood education and career and technical education; replace or consolidate school buildings; or reduce overcrowding. Projects that address school safety and security also are eligible for permanent incentives. Article 9 also includes requirements that schools allocate a certain percentage of their operating budget to maintenance and repairs to keep school buildings in effective working condition. The FY 2019 budget includes \$80 million (consistent with the FY 2018 budget as enacted) to fund the projected cost of school construction aid to local districts, including \$69.4 million for school housing aid and \$10.6 million for the School Building Authority Capital Fund.

School Safety: Legislation passed that creates the Rhode Island School Safety Committee to train law enforcement, school administrators, and teachers, collect and review school safety assessments, and offer recommendations to school districts regarding how to increase the safety of students and faculty. This

legislation also requires that every school district conduct a school safety assessment every three years and submit this to the Rhode Island School Safety Committee for review and recommendations.

Carbon Monoxide Detectors in Schools: Legislation passed that requires that every school building have carbon monoxide detectors installed and maintained, effective January 1, 2019.

School Resource Officers: Article 9 of the FY 2019 budget includes \$2.0 million to support the hiring of additional school resource officers in middle and high schools. This three-year pilot program will reimburse districts for one-half the cost of salaries and benefits for new school resource officers. Schools with fewer than 1,200 students can receive reimbursement for one school resource officer, and schools with 1,200 or more students can receive reimbursement for up to two school resource officers. This pilot program supports the hiring of school resource officers but does not mandate them.

SAT/PSAT: The FY 2019 budget includes \$633,600 (\$500,000 in general revenue and \$133,600 in federal funds) to enable all students in public high schools to take the PSAT and SAT during the school day at no cost. This amount is consistent with the FY 2018 budget but \$150,000 less from general revenue than the Governor recommended. Legislation also passed that provides that home schooled students are eligible to take the PSAT and SAT tests at no cost.

Advanced Placement (AP) Testing: The FY 2019 budget includes \$80,000 (\$25,000 in general revenue and \$55,000 in federal funds) to support the AP test fee waiver program and maintain the subsidized rate of \$15 per test for low-income students.

Dual Enrollment: The FY 2019 budget includes \$1.8 million for Prepare RI's dual/concurrent enrollment initiative that allows qualified students to earn college credit at their high school or at state public higher education institutions at no cost.

P-TECH: The FY 2019 budget includes \$200,000 in new funding to sustain the Pathways in Technology, Early College High School (P-TECH) Initiative, which supports partnerships among high schools, colleges, and businesses that help students earn both high school

diplomas and associate's degrees in five or six years while participating in mentorships and internships that prepare them for employment.

Advanced Coursework Network: The FY 2019 budget includes \$450,000 (\$150,000 from general revenue and \$300,000 from federal funds) to support the Advanced Coursework Network, a program that helps middle and high school students access personalized, advanced coursework opportunities that may not be available at their schools.

Computer Science Education: The FY 2019 budget includes \$210,000 to provide computer science education, consistent with the FY 2018 budget but \$50,000 less than the Governor recommended.

Substance Abuse and Suicide Prevention: Legislation passed that requires the Rhode Island Department of Education to incorporate substance abuse and suicide prevention into the health education curriculum.

Child Opportunity Zones (COZs): The FY 2019 budget includes an additional \$100,000 (total FY 2019 funding of \$345,000) in funding for COZs to provide integrated education, health, and social services to students attending school in ten school districts.

RI Promise Scholarship: The RI Promise Scholarship covers the cost of two years of tuition and mandatory fees at the Community College of Rhode Island after federal and other available financial aid funds are used. Qualifying students must have completed their high school diploma or equivalency before reaching age 19 and have completed the FAFSA. Students must enroll full time the fall after graduating from high school, maintain a 2.5 grade point average or better, and commit to staying in Rhode Island after graduating to live, work, or continue their education. The FY 2019 budget includes \$6.0 million to fund the first and second cohorts, a \$355,000 reduction from the Governor's recommendation, and is based on enrollment and attrition rates in the first cohort.

In-State Tuition for Undocumented Students: Legislation did not pass that would have put into law regulations that allow undocumented students who have attended a Rhode Island high school for at least three years, graduated from high school, been admitted to

college, and agreed to take steps to legalize their immigration status to pay the same tuition and fees as Rhode Island residents at the state's public higher education institutions.

Dual Language Immersion: Legislation did not pass that would have provided \$200,000 in funding to the Rhode Island Department of Education to establish a dual language program fund and hire a specialist in world language and dual language instruction.

Health

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Current RIte Care eligibility and benefits were preserved. Federal funding from the reauthorization of the Children's Health Insurance Program (CHIP) was assumed in the budget.
- ◆ Legislation passed that prohibits advertising unhealthy food and beverage products in schools.

Advertising Unhealthy Food and Beverages in Schools: Legislation passed that prohibits advertising unhealthy food and beverage products in schools. These products are already prohibited from sale in schools because they do not meet minimum nutrition standards from the U.S. Department of Agriculture. Schools may continue to participate in fundraising campaigns related to food and beverages (such as cereal box tops fundraisers) provided any in-school advertising for the fundraiser portrays products that meet minimum nutrition standards.

RIte Care, CHIP, and Medicaid: The FY 2019 budget preserves current RIte Care eligibility and benefits. At the time of the release of the Governor's budget proposal, Congress had not yet reauthorized the Children's Health Insurance Program (CHIP), though the Governor's proposal included \$28.5 million in general revenue savings from CHIP. On January 22, 2018, Congress reauthorized CHIP, and the Rhode Island FY 2019 budget reflects those savings.

Medicaid co-payments: The FY 2019 budget does not include the Governor's proposal to institute co-payments for non-preventive physician visits, inpatient hospital visits, prescriptions, and non-emergent visits to the emergency room. This would have been the first

time co-payments were instituted in Rhode Island and would have applied to adults, (including parents on RIte Care), but not including children, pregnant women, adults with disabilities, or seniors.

Indoor Tanning Under 18: Legislation passed that eliminates the law that previously allowed minors access to indoor tanning with parental consent. The law took effect when it was signed by the Governor on June 28, 2018.

Parity for Mental Health Care: Legislation passed that requires health plans to treat behavioral health counseling visits and medication maintenance visits the same as primary care visits for patient cost-sharing requirements.

Health Insurance for Pregnant Women: Legislation did not pass that would have categorized pregnancy as a Qualifying Life Event for a Special Enrollment Period needed to enroll in commercial coverage outside of open enrollment through the state's health insurance exchange.

Essential Health Benefits including Pediatric Dental and Vision: Legislation did not pass that would have codified the Affordable Care Act's ten Essential Health Benefits, including pediatric dental and vision benefits, into state statute.

Tobacco Age to 21: Legislation did not pass that would have increased the age of sale for tobacco products and electronic nicotine delivery systems from age 18 to age 21.

Cigarette and Cigar Taxes: Article 4 of the FY 2019 budget does not include the Governor's proposal to increase the cigarette tax by \$0.25 (from \$4.25 to \$4.50 per pack) and to increase the cigar tax by \$0.30, (from \$0.50 to \$0.80 per cigar). The budget also does not include the Governor's proposal to impose an additional tax on e-cigarettes.

Safety

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Legislation passed to extend foster care services and supports to youth up to age 21.
- ◆ Legislation passed that bans the possession of bump stocks, binary triggers, or trigger cranks.

DCYF Budget: The General Assembly added \$17.2 million in all funds over the Governor's FY 2019 recommended budget amount, including \$12.7 million from general revenue for projected caseload levels and costs for community-based services.

Office of the Child Advocate (OCA) Budget: The FY 2019 budget increases the FTE authorization from 8.6 to 10.0 to increase the OCA's ability to fulfill its mission and meet new requirements under the Children's Rights Settlement.

Voluntary Extension of Care Act: Article 15 of the FY 2019 budget includes Voluntary Extension of Care, which allows youth to voluntarily remain in the care of DCYF and continue to receive foster care services and supports from age 18 to age 21.

Lead Inspections for Foster Homes: The FY 2019 budget does not include language as proposed by the Governor to remove the requirement for a comprehensive lead inspection and demonstration/certification of lead safe or lead free status from foster home licensing requirements.

Healthy Pregnancies for Incarcerated Women Act: Legislation passed prohibiting the use of restraints on pregnant prisoners in their third trimester during transport to and from court proceedings by sheriffs and/or the Department of Corrections.

Sexual Abuse Reporting in Schools: Legislation passed that requires employees, agents, contractors, or volunteers of educational programs to immediately notify principals, headmasters, executive directors, or other persons in charge or their designated agents of all reports of sexual abuse who shall notify DCYF and the school superintendent.

Juvenile Life without Parole: Legislation did not pass that would have made persons who have been sentenced

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to life sentences without parole for crimes they committed before the age of 18 eligible for a parole hearing after serving 15 years of their term.

Caseload Estimating Conferences: Legislation did not pass that would have required the added participation and input of the DCYF and BHDDH in medical assistance and public assistance caseload estimating conferences and the generation of monthly data to the members of the caseload estimating conference.

Least Restrictive Placement: Legislation did not pass that would have created a process within DCYF to review out-of-home residential placements to determine if they are appropriate in an effort to ensure that a children are placed in the least restrictive placements possible.

Gun Safety: Several pieces of gun safety legislation were introduced during the 2018 legislative session:

- ◆ "Red flag" legislation passed that authorizes the Supreme Court to issue "extreme risk protection orders" requiring the surrender of all firearms from persons determined to be capable of causing personal injury.
- ◆ Legislation passed that makes the possession of bump stocks, binary triggers, or trigger cranks punishable by up to 10 years imprisonment and/or a \$10,000 fine.
- ◆ Legislation did not pass that would have banned the sale and possession of assault weapons and magazines holding more than 10 rounds of ammunition.
- ◆ Legislation did not pass that would have banned individuals with permits to carry concealed pistols or revolvers from carrying them on school grounds.

The Rhode Island General Assembly enacted a FY 2019 budget in the amount of \$9.6 billion. The budget consists of \$3.9 billion in state general revenue, \$3.2 billion in federal funds, \$282 million in restricted receipts, and \$2.2 billion in other funds.



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