



# Legislative Wrap-Up

## 2016 Session of the Rhode Island General Assembly

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

### Early Learning & Development

#### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The *Rhode Island Family Home Visiting Act* passed.
- ◆ Health insurance coverage parity for Early Intervention services is required.
- ◆ \$8.4 million in state and federal funding was added to increase access to the Child Care Assistance Program.
- ◆ Child Care Transition Program (cliff effect policy) was extended by one year.
- ◆ \$1.2 million was added to expand the State Pre-K program through the education funding formula.
- ◆ \$2.6 million was allocated to ensure statewide universal access to full-day kindergarten starting in 2016.

**Evidence-Based Home Visiting:** The *Rhode Island Family Home Visiting Act* passed, codifying key elements of the state's home visiting system into law. The law requires the RI Department of Health to work with other state agencies to identify and offer vulnerable families the opportunity to enroll in voluntary, evidence-based family home visiting programs that improve child outcomes.

**Early Intervention:** Legislation passed that requires health insurance providers to pay for Early Intervention services at rates at least equal to Medicaid rates.

### **Child Care Assistance Program (CCAP):**

The FY 2017 budget adds \$8.4 million in funding (\$3.3 million in state funds and \$5.1 million in federal funds) so that eligible children in low-income working families can receive a child care subsidy. This is the largest increase in CCAP funding in more than a decade, but state funding remains well below levels in the early 2000s.

Legislation passed to extend the Child Care Transition Program (cliff effect policy) by one year. Legislation did not pass that would have begun implementation of a tiered reimbursement system for infants and toddlers in CCAP by paying higher rates for higher-quality child care. Legislation did not pass that would have restored eligibility for CCAP to families with incomes up to 200% FPL.

**State Pre-K Program:** The FY 2017 budget includes \$5.2 million in state funding (a \$1.2 million increase from FY 2016) and \$5.8 million in federal funding for the State Pre-K program, providing 1,008 four-year-olds in 11 low-income Rhode Island communities with access to high-quality preschool.

**Head Start:** State funding to supplement federal funding for Head Start was maintained at \$800,000. This funding allows 130 low-income three- and four-year-old children to participate in Head Start statewide, in addition to the 2,100 children who are served through federal funding.

**Full-Day Kindergarten:** Allocates \$2.6 million in the FY 2017 budget to ensure access to full-day kindergarten statewide for 2016-2017. Legislation passed in 2015 requires all school districts in Rhode Island to provide universal full-day kindergarten by August 2016.

**Background Checks:** Legislation passed that makes the mandatory national criminal records checks required for staff working in licensed child care programs available through the RI Department of Children, Youth and Families.

**Early Learning Program Quality Infrastructure:** The FY 2017 budget did not include \$1.6 million as proposed by the Governor to support quality improvement and accountability systems for early learning programs.

## Education

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Education funding through the funding formula (including Pre-K) was increased.
- ◆ A new categorical fund was created in the education funding formula to support the education of students who are English language learners.
- ◆ The use of out-of-school suspensions was restricted and districts are now required to review suspension data to identify and act on racial, ethnic, and special education disparities.
- ◆ The *Free Play Recess Act* passed, which requires at least 20 consecutive minutes of free-play recess daily for all children attending public elementary schools that serve children in grades kindergarten through six.

**Education Funding Formula:** The sixth year of the education funding formula was fully funded for FY 2017, with an additional \$49.3 million over FY 2016. Funding includes an additional \$1.2 million for the State Pre-K program, \$2 million for high-cost special education, \$2 million for transportation, and \$1 million for career and technical education.

Article 11 of the FY 2017 budget also creates a new categorical program for English language learners (ELL) and provides \$2.5 million to support evidence-based ELL programs during FY 2017. Article 11 of the FY

2017 budget also provides \$800,000 in new funds to increase the funding that school districts receive to educate students living in group homes (from \$15,000 to \$17,000 per student) and to educate students at the Children's Residential and Family Treatment (CRAFT) Program at Bradley Hospital (from \$22,000 to \$26,000).

**Charter Schools:** Article 11 of the FY 2017 budget requires a per pupil reduction in local funding paid by the district of residence to a charter school, Davies, and the MET. This reduction will be either 7% of the local per pupil funding or the difference between the funds spent per pupil by that district versus charter schools on a specific set of services (including transportation and textbooks for non-public students, retiree health benefits, preschool screening, out-of-district special education services, and services for students ages 18 to 21), whichever is higher. For those districts whose greater reduction occurs under the calculation of costs method, there shall be an additional reduction to payments to Mayoral Academies with teachers that do not participate in the state teachers' retirement system. Beginning in FY 2017, school districts with charter school, Davies, and MET enrollment, that when combined equals 5% or more of their average daily membership, shall receive additional aid for three years: \$175 per pupil in FY 2017, \$100 in FY 2018, and \$50 in FY 2019.

In addition, legislation passed that requires that new "network charter schools," which are defined as new charter schools which have or will have more than one elementary and/or secondary school, obtain written support from the city or town council of each sending district before their charter can be approved. This legislation also requires that the Council on Elementary and Secondary Education place "substantial weight" on the fiscal impact on the city or town, programmatic impact on the sending school district, and educational impact on the students in the sending school district before approving a proposed charter or an amendment to an existing charter to allow expansion.

**Full-Day Kindergarten:** Provides \$2.6 million in the FY 2017 budget to provide the fully-transitioned value of formula aid for districts that converted to full-day kindergarten in the 2014-2015 school year or thereafter. Legislation passed in 2015 requires all school districts in Rhode Island to provide universal full-day kindergarten by August 2016.

**Empowerment Schools:** Legislation passed that gives schools the opportunity to become Empowerment Schools with additional autonomy and regulatory and statutory flexibility, including autonomy over their budgets and flexibility in instructional practices. The FY 2017 budget includes \$500,000 to provide leadership training to principals and aspiring school leaders and to support the planning process for schools interested in becoming Empowerment Schools.

**Suspensions:** Legislation passed that requires school districts to evaluate the discipline data they already collect annually, identify any racial, ethnic or special education disparities, develop a plan to reduce any disparities, and restricts the use of out-of-school suspensions to situations when a child's behavior poses a physical risk or serious disruption that cannot be dealt with by other means.

**Biliteracy Seal:** Legislation passed that creates a new biliteracy seal that school districts can attach to high school diplomas to recognize the accomplishments of high school graduates who are proficient in English and one or more other languages.

**Recess Bill:** The *Free Play Recess Act* passed that requires at least 20 consecutive minutes of free-play recess daily for all children attending public elementary schools that serve children in grades kindergarten through six and discourages teachers from withholding recess for punitive reasons.

**SAT/PSAT:** The FY 2017 budget includes \$500,000 to support Governor Raimondo's initiative to allow all students in public high schools to take the PSAT and SAT during the school day at no cost.

**Computer Science Education:** The FY 2017 budget includes \$260,000 to support the Governor's initiative to provide computer science education in every public school.

**Genocide Education:** Legislation passed that requires schools to teach students about the Holocaust and other genocides at some time during middle and/or high school.

**Closing the Achievement Gap:** Legislation passed that requires the RI Board of Education to adopt a state goal of closing the achievement gap in third-grade reading and math proficiency.

**Unified Approach to Statewide Education:** Legislation passed that requires that the RI Board of Education, in conjunction with the Commissioners of Elementary and Secondary Education and Postsecondary Education, conduct a comprehensive study on the alignment of the curricula used by school districts with the goals and objectives of the state's colleges and universities and develop recommendations for policies, rules, and regulations needed to achieve a unified approach to education across the state.

**Dyslexia Bill:** Legislation passed that adds dyslexia-targeted assistance as a required element of the literacy program. Schools are required to implement strategies that address problems with phonemic awareness, phonics, fluency, vocabulary, and comprehension. The RI Department of Education is required to offer professional development to elementary school teachers on the use of evidence-based strategies to improve the literacy skills of students with dyslexia at no cost to school districts or teachers.

**Education of Youth with Disabilities:** Legislation passed that requires school districts to provide educational services to students with disabilities until they reach the age of 21, and if a student is enrolled in a post-secondary or transitional education program when he or she turns 21, the school district must continue paying for that student's education until the end of the school year.

**School Housing Aid:** The FY 2017 budget included \$80 million to fund the projected cost of school housing aid to local districts.

**Budget Transparency:** Article 11 of the FY 2017 budget requires that each public school district post its adopted budget on its website and submit its adopted budget to the RI Department of Education for posting on their website.

**Chronic Early Absence:** Legislation passed that would expand attendance requirements to include kindergarten students. This legislation does not change the age at which children must begin school.

**YouthBuild Preparatory Academy:** Legislation passed that authorizes the cities of Central Falls and Providence to create an alternative, diploma-granting secondary school for students ages 14 to 21 who have not succeeded in a traditional school setting.

## Economic Well-Being

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The Earned Income Tax Credit (EITC) was increased to 15% of the federal EITC.
- ◆ The *Henry Shelton Act* utility arrearage assistance program was improved.
- ◆ \$50 million affordable housing bond was approved for ballot.

**Advanced Coursework Network:** The FY 2017 budget includes \$600,000 to support the advanced coursework network pilot program that helps high school students access personalized, advanced coursework opportunities.

**Dual Enrollment:** The FY 2017 budget includes \$1.3 million to continue funding Prepare RI, a dual enrollment initiative that allows qualified students to earn credit at their high school and at state public higher education institutions, at no cost to students or families.

**P-TECH:** The FY 2017 budget provides \$1.2 million in funding to expand the Pathways in Technology Early College High School (P-TECH) program, which supports partnerships among high schools, colleges, and businesses and allows students to get both high school diplomas and associate's degrees in five or six years while participating in mentorships and internships that will prepare them for employment.

**Higher Education Funding:** The FY 2017 budget included a tuition freeze at the Community College of Rhode Island (CCRI), Rhode Island College (RIC), and the University of Rhode Island (URI). Legislation also passed that adds a performance-based component to the state funding formulas for CCRI, RIC, and URI.

**In-State Tuition:** Legislation did not pass that would have put into law the 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 to pay the same tuition and fees as Rhode Island residents at the state's public higher education institutions.

**Competency-Based Learning:** Legislation did not pass that would have required the Board of Education's Council on Elementary and Secondary Education to adopt a competency-based learning policy and a model district policy.

**Earned Income Tax Credit (EITC):** The FY 2017 budget includes an increase in the Earned Income Tax Credit (EITC) from 12.5% of the federal tax credit to 15%.

**Utility Assistance:** Legislation passed that will improve the state's *Henry Shelton Act* utility arrearage assistance program by establishing a system for per-payment forgiveness of utility arrearages and by allowing families exiting homelessness to obtain a crisis grant to cover the down payment required to participate in this program.

**Affordable Housing:** The FY 2017 budget included approval for a \$50 million affordable housing bond to be included on this year's ballot.

**Minimum Wage:** The General Assembly did not approve the minimum wage increase from \$9.60 to \$10.10 per hour that was included in the Governor's recommended budget.

**Rhode Island Works:** Legislation did not pass that would have simplified the RI Works cash assistance program by eliminating the 24-month periodic time limit and retaining a single lifetime time limit of 48 months.

**Paid Family Leave:** The state's paid family leave program, Temporary Caregiver's Insurance (TCI) remains as is. Bills that would have: (1) limited access to the program by allowing employees to opt-out of the Temporary Disability Insurance (TDI) program, and (2) changed the financing model to better meet the needs of low-wage workers and expanded the number of weeks of TCI coverage from four to eight weeks did not pass.

**Earned Sick Leave:** A bill did not pass that would have required Rhode Island employers to provide paid sick leave. This paid sick time could be used to cover the employee's illness, take care of a sick child, or to obtain domestic violence services.

## Safety

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The *Child Fatality Reporting Act* passed, which expands DCYF and the Office of the Child Advocate responsibilities for reporting and investigating child deaths.
- ◆ The *DCYF Foster Parents' Bill of Rights* was passed, which outlines the rights that foster parents have to timely information, communication, and training about children in their care.

**DCYF Budget:** The FY 2017 budget removes 43.0 FTE positions from the RI Department of Children, Youth and Families (DCYF), most of which are currently unfilled.

**Foster Care and Adoption Subsidies:** The FY 2017 budget increases general revenue funding for foster care and adoption subsidies at DCYF by \$824,383.

**Child Death Review:** The *Child Fatality Reporting Act* passed, which expands the responsibilities of DCYF and the Office of Child Advocate (OCA) in investigating, reviewing, and publicly reporting the fatality or near fatality of children in state care. The act requires DCYF to notify the OCA within 48 hours of a confirmed child fatality or near fatality of a child that is the subject of a DCYF case and to provide the OCA with access to any written material about the case. DCYF is also required to publicly disclose such a case within 48 hours, provided it does not jeopardize a criminal investigation. The OCA must establish a child fatality review panel and produce a public report if the death or near death occurred while a child was in state care or if the child's family previously received services from DCYF, or if the death is alleged to be from abuse or neglect. It also requires reviews in any case where a sibling, household member, or child care provider was investigated in the last year.

**Foster Parents' Bill of Rights:** The *DCYF Foster Parents' Bill of Rights* was passed, which outlines the rights that foster parents have to timely information and communication about children in their care, training and continuing education, financial reimbursement, participation and input into treatment and service planning, and the ability to allow children in their care to participate in normal childhood activities. The *Bill of Rights* must be distributed to foster parents at each licensing interval.

### **Sexual Offender Registration and Notification:**

Legislation passed that will make anyone convicted of sexual trafficking of persons or minors subject to the Rhode Island's sex offender registration and community notification statute.

**Domestic Violence Prevention:** Legislation passed that creates a new domestic violence prevention fund, with a FY 2017 budget allocation of \$300,000 to support evidence-based domestic violence and dating violence prevention programs.

### **Domestic Violence Offenders and Weapons:**

Legislation passed requiring any person who pleads no contest to or is convicted of a felony domestic offense to surrender all firearms within 24 hours and file proof with the court.

**Grandparent Rights:** Legislation passed to create a Senate Legislative Commission that will conduct a comprehensive review and make recommendations regarding grandparent visitation rights. Legislation that allows grandparents with custody of their grandchildren to petition the courts for adoption without the noncustodial parents' consent was also passed (but was vetoed by the Governor).

**Youth Marijuana Offenses:** Legislation passed that transfers the jurisdiction of possession of one ounce or less of marijuana by a person who is under age 17 from the RI Traffic Tribunal to the RI Family Court.

**DCYF System Rebalancing:** Legislation passed that requires DCYF to transition youth in group homes to placement in foster care and to submit annual legislative progress reports.

**Abuse Reporting Requirements for Schools:** Legislation passed that requires the reporting of any sexual abuse of a child by an employee, agent, contractor, or volunteer of an education program, including boarding schools, as did legislation that requires a sign with the telephone number of the child abuse hotline to be posted in every public and private school.

**Sex Trafficking:** The FY 2017 budget does not include Article 23 as proposed by the Governor, which would have expanded crime victim compensation grant eligibility to anyone in the care and custody of DCYF who was identified as a victim of sex trafficking or sexual exploitation and would have established a "Safe Harbor Law" to ensure that sex trafficking victims who are minors are treated as victims and not prosecuted for prostitution.

## Health

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The *Free Play Recess Act* passed, which requires at least 20 consecutive minutes of free-play recess daily for all children attending public elementary schools that serve children in grades kindergarten through six.
- ◆ A broad package of bills aimed at addressing opioid abuse and overdoses was passed.

**Rlte Care:** The FY 2017 budget preserves current Rlte Care eligibility and benefits and restores \$6.8 million of all funds savings proposed by the Governor from the re-procurement of managed care contracts, including Rlte Care.

**Reinventing Medicaid:** The FY 2017 budget requires commercial insurers to reimburse certified Early Intervention providers at rates equal to or greater than the prevailing Medicaid rate. The Budget does not increase the Children's Health Account assessment charged to commercial insurers for services provided to children with special health care needs as proposed by the Governor.

**HealthSource RI:** The FY 2017 budget appropriates \$12.4 million for continued state operation (down from \$31.7 million in all funds in FY 2016), including \$8.6 million in restricted receipts, \$2.6 million in general revenues, and \$1.2 million in federal funds.

**Office of the Health Insurance Commissioner:** The FY 2017 budget appropriates \$2.5 million in all funds, including \$400,000 for RIREACH, Rhode Island's health insurance consumer support program that helps families navigate their coverage.

**Recess Bill:** The *Free Play Recess Act* passed, which requires at least 20 consecutive minutes of free-play recess daily for all children attending public elementary schools that serve children in grades kindergarten through six and discourages teachers from withholding recess for punitive reasons.

**School Nutrition Standards:** Legislation passed that aligns state school nutrition standards with the federal *Healthy, Hunger-Free Kids Act of 2010*.

**Opioids:** A package of bills was passed to strengthen prescription monitoring, restrict opioid prescription amounts, improve related patient discharge planning, provide 'Good Samaritan' protections, and expand coverage and funding of treatment for those with insurance or who are incarcerated.

**Lead Poisoning:** Legislation passed that requires the RI Department of Health to conduct a baseline test of lead and copper in water supply systems of each local government, as well as in public schools and licensed child care facilities. Legislation also passed creating a House Legislative Commission to study the presence and treatment of lead in drinking water in the state. The FY 2017 budget also allocates general revenues to support certified lead centers, a lead elimination surveillance system, and related data analysis and mapping services.

**Health Literacy:** Legislation passed that will create a Senate Legislative Commission to develop a strategic plan regarding health literacy that maximizes a consumer's ability to navigate the health system and improves health outcomes.

**Health Insurance for Pregnant Women:** Legislation did not pass that would define pregnancy as one of the qualifying life events needed to enroll in commercial coverage during a special enrollment period.

**Cigarette Tax:** The FY 2017 budget does not increase the cigarette tax by \$0.25, from \$3.75 to \$4 per pack, as proposed by the Governor.

**School Marketing:** Legislation did not pass that would prohibit the advertising of unhealthy food and beverage products in schools.

**E-Cigarettes:** Legislation did not pass that would prohibit the use of electronic nicotine-delivery system products in enclosed public places and places of employment.

### Fiscal Year 2017 Budget

The Rhode Island General Assembly enacted a FY 2017 budget in the amount of \$8.9 billion. The budget consists of \$3.7 billion in state general revenue, \$3.0 billion in federal funds, \$257.0 million in restricted receipts, and \$2.0 billion in other funds.



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