



Legislative Wrap-Up

2023 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.

Economic Well-Being

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Pregnant individuals can now receive Rhode Island Works benefits earlier in their pregnancy.*
- ◆ The Earned Income Tax Credit (EITC) was increased to 16% of the federal EITC.
- ◆ State Low Income Housing Tax Credit was created.
- ◆ \$45 million in additional ARPA funds were committed for affordable housing and addressing homelessness.

***Rhode Island Works Program:** The FY 2024 budget promotes child and maternal health by expanding eligibility to the program to low-income, first-time pregnant individuals upon verification of their pregnancy rather than requiring that they wait until the third trimester. Legislation did not pass that would have made other RI Works program improvements, including increasing the monthly benefit, repealing the full family sanction, and eliminating the five-year waiting period for Lawful Permanent Residents.

Earned Income Tax Credit: The FY 2024 budget includes an increase the state Earned Income Tax (EITC) from 15% of the federal tax credit to 16%.

Funding for Affordable Housing and Homelessness: The FY 2024 budget included \$39 million in *American Rescue Plan Act (ARPA)* funds to support housing development and \$32 million to support people experiencing homelessness. These funds are in addition to the \$250 million approved in the FY 2023 budget, so a total of

\$321 million of Rhode Island's *ARPA* funds were allocated to addressing the state's housing crisis. The FY 2024 budget also creates a State Low Income Housing Tax Credit subject to an annual \$30 million cap and provides \$28 million from general revenues to fund the credits which provide a tax incentive for developers to expand subsidized housing options for low-income households.

Department of Housing: The FY 2024 budget includes \$3.5 million from general revenue for personnel, lease, and operating costs and 21.0 new FTE positions for the Department of Housing bringing total FTEs to 38.0, including 17.0 transferred from the Executive Office of Commerce.

Housing Development: The General Assembly passed a package of more than a dozen bills designed to address the state's housing crisis, including legislation that allows for the adaptive reuse of certain commercial properties, including hospitals, schools, offices, and factories into high-density residential developments; creates a transit-oriented development pilot program encouraging the construction of housing units near transportation hubs; and streamlines the permitting, application and appeal processes for housing developments.

Rental Protections: Legislation passed that allows residential eviction records to be sealed if a motion is filed, prohibits rental application fees, and requires that the Secretary of Housing create a consumer guide to landlord-tenant laws that is updated every two years.

Rhode Island Community Food Bank: The FY 2024 budget increases funding for the Rhode Island Food Bank by \$3 million to help address food insecurity.

Driver Privilege Cards and IDs for Undocumented

Immigrants: Legislation passed making driver privilege cards more affordable by reducing the fee from \$50 to \$25. Legislation also passed allowing Rhode Islanders who do not have a documented immigration status to obtain a RI state ID card.

Child Support: Legislation passed that expands child support interception of insurance payments to include life insurance benefits of non-custodial parents.

Payday Lending: Legislation did not pass that would have repealed the provisions that allow deferred deposit providers, also known as payday lenders.

Minimum Wage: Legislation did not pass that would have repealed the exclusion of domestic workers, including those who provide child care in and about private homes, from the state's minimum wage law. Legislation also did not pass that would have repealed the exclusion of student workers under the age of 19 from the state's minimum wage.

Early Learning & Development

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ \$7 million to sustain existing RI Pre-K classrooms and \$1.3 million to prepare for expansion, including increasing administrative capacity and building a pipeline of programs.*
- ◆ \$3 million to help Early Head Start and Head Start programs pay competitive wages so they can re-open some closed classrooms and reduce waiting lists.*
- ◆ \$4 million to pilot a new Child Care for Child Care Educators strategy to improve recruitment and retention of child care educators and staff.*

Child Care Assistance Program: Legislation did not pass that would have increased the family income entrance eligibility limit to 85% of the State Median Income (federal benchmark) and exit eligibility limit to 100% of the State Median Income and removed the requirement that families participate in the state's Child Support Enforcement system. Legislation to increase Child Care Assistance Program rates to meet or exceed the federal equal access benchmark and provide differential bonus rates for infants also did not pass.

****RI Pre-K:*** The FY 2024 budget includes \$7 million in new state general revenue funding to replace expiring federal funds for the RI Pre-K program. This funding will prevent the closure of 40 RI Pre-K classrooms, saving up to 800 seats for four-year-olds. The budget also allocates \$1.3 million of state general revenue to prepare for the expansion of RI Pre-K. Legislation did not pass that would have required the state to revise the RI Pre-K expansion plan to

include compensation parity with K-12 educators, direct funding of Head Start and Early Head Start programs, inclusion of family child care, and flexible enrollment options outside of the child's community of residence.

****Head Start & Early Head Start:*** The FY 2024 budget includes \$3 million in federal funding for Early Head Start and Head Start programs in addition to the \$1.2 million in state funding that will continue. Resources will help Early Head Start and Head Start programs pay competitive wages for educators and re-open some of the classrooms that were closed in 2022-2023 due to the staffing crisis.

****Early Educators:*** The FY 2024 budget includes \$4 million in funding to pilot a new Child Care for Child Care Educators strategy to provide free child care to educators and staff in licensed centers and family child care that live in households with incomes below 300% of the federal poverty line. The budget also includes carry-over *ARPA* funds to allow for the continuation of pandemic retention bonuses for child care educators and funding of the T.E.A.C.H. Early Childhood workforce development through FY 2024 and into early FY 2025. Legislation did not pass that would have required the state to establish compensation benchmarks for early educators, produce an annual report on early educator characteristics and turnover, and fund the Child Care WAGES program beyond 2023 when federal funding is set to expire.

****Early Intervention:*** Legislation did not pass that would have created a new strategy to help address the staffing crisis by setting aside 10 Wavemaker Fellowships to help pay down the student loan debt of qualified professionals working in Early Intervention programs that serve infants and toddlers with developmental delays and disabilities.

****First Connections & Family Home Visiting:*** Legislation did not pass that would have provided a permanent Medicaid rate increase for the First Connections newborn home visiting program, but the Department of Health has secured resources to continue the temporary rate increase for another year. Legislative proposals did not pass that would have required the state to develop a plan to provide universal newborn home visiting and to sustain and expand evidence-based family home visiting programs, including resources that will be needed to meet a new federal match requirement going into effect in FY 2025.

****Paid Family Leave:*** Legislation did not pass that would have increased wage replacement rates and increased the number of weeks of leave provided for the Temporary Caregivers Insurance program. Legislation also did not pass that would have expanded job protection under the RI Parental and Family Medical Leave Act.

Early Learning Program Quality: Legislation passed that removes the Rhode Island Department of Education's responsibility to approve the operations of private nursery

schools, since all early learning centers are licensed by the Department of Human Services. The legislation also requires public preschool programs to participate in the state's BrightStars Quality Rating and Improvement System.

Child Care Licensing: Legislation did not pass that would have required the state to meet national caseload standards for child care licensing inspectors.

Summer Camp Licensing: Legislation did not pass that would have established a summer camp licensing system.

KIDS CONNECT: Legislation did not pass that would have allowed Kids Connect child care providers to bill commercial insurance for costs associated with specialized services for children who have special health care needs and are enrolled in child care centers.

Office of Early Childhood Development and Learning: Legislation did not pass that would have established a new state office to oversee and manage a statewide early learning system for children from birth through age five, including the Child Care Assistance Program, the RI Pre-K program, Head Start collaboration, and licensing of child care/early learning centers and family child care homes.

Early Learning Hubs: Legislation did not pass that would have established regional intermediary offices to coordinate support for early learning providers and families with children ages birth through kindergarten entry.

Child Care Commission: Legislation did not pass that would have updated the purpose, membership, and resources available to the Permanent Legislative Commission on Child Care.

to replace expiring federal funds; \$19.4 million for **Multilingual Learners**, \$14.4 million more than the prior year; \$10.7 million for **transportation**, \$1.5 million more than the prior year; and \$4.5 million for **career and technical education**, consistent with the prior year. The budget also included \$15.0 million for **high-cost special education**, \$10.5 million more than the prior year and will now provide additional resources when costs exceed four times the districts' combined per pupil core instruction and student success factor amount, rather than five times as before. The budget also changes the **method for calculating student poverty data** to students categorically eligible for free school meals because they receive a benefit, such as Supplemental Nutrition Assistance, multiplied by a factor of 1.6. The budget also included a modification of the state share ratio and adjustments for enrollment and poverty declines. The FY 2024 budget passed by the General Assembly did not include the increase in the student success factor from 40% to 42% or the additional funds for students experiencing homelessness proposed by the Governor.

School Housing Aid: The FY 2024 budget includes \$104.2 million in school housing aid to districts, an increase of \$15.6 million over the FY 2023 enacted budget. The FY 2024 budget does not include School Building Authority Capital funds that were included in the FY 2023 budget to address high priority school construction projects.

ARPA Funding: Legislation passed requiring school districts to provide annual reports summarizing how they are using *American Rescue Plan Act ESSER Funds* and state and local recovery funds.

Mental Health in Schools: Legislation passed that will allow school social workers and certified school psychologists to be eligible for federal Medicaid reimbursement for the mental health services they provide to students. However, legislation did not pass that would have provided funding for the hiring of new school social workers and school psychologists.

Multilingual Learners: Legislation did not pass that would have established a program to expand the issuance of teaching certificates to bilingual dual language and world language teachers in urban and urban ring schools or that would have created a dual language program fund to be administered by the Rhode Island Department of Education. Legislation also did not pass that would have created language academies which would have segregated Multilingual Learners based on their level of English proficiency.

Special Education: Legislation did not pass that would have established an Ombud Office for Special Education to ensure school districts meet the minimum standards for Individualized Education Programs (IEPs) for children ages 3 through 22 with developmental delays and disabilities. However, the FY 2024 budget did include \$450,000 for RIDE to hire three FTE staff positions to facilitate

Education

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Updates to the education funding formula to provide additional funding to Multilingual Learners and children receiving special education services.
- ◆ \$4 million for the Rhode Island Hope Scholarship pilot program at Rhode Island College, which would cover tuition and fees for eligible juniors and seniors.
- ◆ \$4 million for out-of-school time learning.
- ◆ School social workers and school psychologists are now eligible for federal Medicaid reimbursement for the mental health services provided to students.

Education Funding Formula: The thirteenth year of the education funding formula was fully funded for FY 2024, with an additional \$25 million in general revenue over FY 2023. The budget includes \$22.9 million for the RI Pre-K program, \$8 million more than the FY 2023 enacted budget

individualized education program (IEP) and 504 services. Legislation also did not pass that would have required parental consent before a child is evaluated, placed in a special education program, or any IEP services or placement changes are made.

Out-of-School Time Learning: The FY 2024 budget includes \$4 million from federal ARPA funds for out-of-school time services to support after school, summer learning, and workforce development programs for students in kindergarten through grade 12. RIDE will be responsible for distributing the funding to community organizations.

School Meals: Legislation did not pass that would have provided Healthy School Meals for All, including breakfast and lunch, to all students regardless of their household income.

Youth Voice: Legislation did not pass that would have given the chairperson of the Student Advisory Council voting powers on the Council on Elementary and Secondary Education.

Rhode Island Hope Scholarship: Legislation passed that creates a \$4 million Rhode Island Hope Scholarship pilot program at Rhode Island College, which will provide a two-year scholarship covering tuition and fees to eligible juniors and seniors and provide special accommodation for students with a disability. The pilot starts on July 1, 2023 and ends on July 1, 2028.

Rhode Island Promise Scholarship: The FY 2024 budget includes \$8.6 million from general revenues to support the Rhode Island Promise Scholarship at the Community College of Rhode Island, which is \$700,000 more than the FY 2023 enacted budget.

Last Dollar Scholarship: The FY 2024 budget includes \$9.9 million for the Last Dollar Scholarship Program, including \$5.1 million from general revenues. This is \$300,000 more than the FY 2024 enacted budget and reflects additional funding for private non-profit institutions.

Fresh Start Scholarship: The FY 2024 budget includes \$5.0 million from federal ARPA funds to create a Fresh Start Scholarship at the Community College of RI, which will support adult students with some college credits but no degree. Funding will support two years of scholarships.

RI Reconnect: The FY 2024 budget includes \$8.0 million in federal ARPA funds for the RI Reconnect Initiative at the Office of Postsecondary Commissioner, which focuses on improving postsecondary degree and credential attainment among underserved, working-age Rhode Islanders by addressing barriers to education and workforce training completion (including transportation and child care), particularly among Communities of Color and low-income communities.

Rhode Island Longitudinal Data System: The FY 2024 budget includes \$600,000 from general revenues and 3.0 new data scientists to move what is currently known as the DataHub and operated by DataSpark at the University of Rhode Island and establish the State's Longitudinal Data System (SLDS) which would be overseen by the Office of the Postsecondary Commissioner. The SLDS will track progress from early learning through postsecondary education to employment. The goal is to connect data across sectors to support research aligned with the state's priorities, inform policymaking and program evaluation, and improve the well-being of all Rhode Islanders.

Higher Education Pathways: Legislation passed to establish the *Apprenticeship Pathways to Earning a Bachelor's Degree Act*, which will allow individuals to earn a bachelor's degree at public colleges and universities in Rhode Island by earning credits acquired through apprenticeships.

Wavemaker Fellowship: The FY 2024 budget includes \$4 million to support the Wavemaker Fellowship, a competitive student loan reimbursement program for college and university graduates working in science, technology, engineering, and medicine, and expanded the fellowship to include teachers.

Educators of Color: The FY 2024 budget includes \$200,000 from general revenue to the Rhode Island School for Progressive Education to support access to higher education for Educators of Color.

Kindergarten: Legislation passed that requires students who turn age six by September 1 and who have not previously attended kindergarten to attend kindergarten and clarifies that attendance in kindergarten is required.

Constitutional Right to an Adequate Education: A joint resolution did not pass that would have put a referendum on the ballot asking Rhode Island voters for their approval to amend the state's Constitution to include the right to an adequate education.

Health

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ A 10-year plan to replace all lead pipes in Rhode Island and stronger enforcement of lead regulations
- ◆ Passage of the *Equality in Abortion Coverage Act* which provides access to abortion coverage for individuals on Medicaid and who are state employees
- ◆ Many of the consumer protections included in the federal *Affordable Care Act* were put in state law, providing Rhode Islanders with permanent protections if the federal law is weakened or repealed.

Insurance Protections: Legislation passed that guarantees many of the consumer protections included in the federal *Affordable Care Act* including providing health insurance coverage to eligible residents of the state including essential health care benefits and preventative services and prohibiting denying coverage due to pre-existing conditions. Legislation also passed that limits the copayment or coinsurance requirement on specialty drugs to \$150 for a 30- day supply.

Medicaid Enrollment: Rhode Island restarted eligibility redeterminations for Medicaid recipients in April 2023 after providing continuous coverage throughout the COVID-19 Public Health Emergency. Families with children will begin redeterminations in January 2024. The FY 2024 budget includes \$1.3 million in general revenue for information technology upgrades, to automatically enroll qualified individuals who are transitioning off Medicaid into qualified public health plans through Health Source RI, and to pay the first two months of premiums.

***Continuous Coverage for Children:** Starting in January 2024, Rhode Island will provide children with 12 months of continuous Medicaid coverage as is now required by federal law. Continuous eligibility means that children with Medicaid will be covered for a full twelve months unless the child ages out or the family moves out of state, voluntarily withdraws, or does not make premium payments. Legislation did not pass that would have allowed for continuous Medicaid coverage for young children from birth through age five to ensure that babies and young children have stable health care access.

Mental Health: Legislation passed that will allow school social workers and certified school psychologists to be eligible for federal Medicaid reimbursement for the mental health services they provide to students. The FY 2024 budget includes \$1.9 million in additional federal *ARPA* funding to support the continued implementation of the 9-8-8 National Suicide Hotline.

Psychiatry Resource Network: Legislation did not pass that would have created sustainable funding for Psychiatry Resource Network teleconsultation programs to help expand mental health resources and supports for Rhode Island mothers and children.

Reproductive Health Care: Legislation passed that ensures equitable access for abortion coverage in the Medicaid program and repeals the abortion coverage exclusion for state employee insurance plans.

Lead Poisoning Prevention: Legislation passed that will establish a 10-year plan to replace all lead pipes in Rhode Island. The plan offers no-cost lead pipe replacement to property owners, requires that property owners disclose the presence of lead in water lines, and requires water suppliers to create a service line inventory no later than Oct. 16, 2024

to determine the existence or absence of lead within each water connection in its service area. It would also establish new notification and reporting requirements for suppliers to ensure transparency in the identification and replacement of service lines containing lead. Legislation also passed to enforce current lead regulations and provide additional protections including 1) establishing that a tenant may file a petition with the district court to deposit rent in an escrow account for a leased property that is not compliant with the lead hazard mitigation law; 2) establishing a statewide rental registry where landlords who own non-exempt buildings built before 1978 are required to file lead conformance certificates already required by law; and 3) allowing families affected by childhood lead poisoning to recover up to three times their actual damages if their landlord is found to have violated lead safety laws.

CEDAR Family Centers: The FY 2024 budget provides \$551,955 in general revenue and \$1.2 million in all funds to increase rates for the CEDAR Family Centers to support, sustain, and expand current activities, ensuring equitable access to services for Medicaid eligible children with special health care needs and their families, including children eligible through Katie Beckett.

Safety

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ New requirement that health insurers provide coverage to children under their court appointed guardian's plan until age 26.

DCYF Budget: The FY 2024 budget provides \$366 million for the Department of Children, Youth & Families (DCYF) including \$7.9 million of federal *ARPA* funds for provider workforce stabilization and \$375,000 for foster home lead abatement and fire safety upgrades.

DCYF Hiring Procedures: Legislation passed that establishes a new, temporary process in DCYF for hiring social workers and child protective investigators at the department for one year starting October 1, 2023.

Rates Paid to Community Providers: Legislation did not pass that would have appropriated \$200 million for a 10% reimbursement rate increase to home and community-based providers.

Educational Advocates for Youth in DCYF Care: Legislation did not pass that would have required that each child under the supervision of DCYF be provided with a team of educational advocates who would attend regular meetings to ensure a child's educational planning, progress, and success.

Higher Education for Youth in DCYF Care: Legislation did not pass that would have increased the Higher Education Opportunity Incentive Grant program from \$200,000 to \$500,000 and expanded access for current and former foster youth up to age 26 or that would have established a tuition waiver program for these youth.

Child Endangerment: Legislation passed that transfers the jurisdiction of child endangerment offenses from the Family Court to the Superior Court.

Health Insurance Coverage: Legislation passed that requires insurers to provide coverage to children under their court appointed guardian's plan until age 26.

Gun Safety: Legislation did not pass that would have banned the possession, sale, and transfer of assault weapons or required the safe storage of firearms.

Female Youth Residential Treatment Facility: The FY 2024 budget includes \$15 million in Rhode Island Capital Plan Funds for construction of an in-state residential treatment facility for youth with behavioral health needs currently being served at out-of-state facilities, hospitals, or the Rhode Island Training School. This is the first appropriation of \$45 million over a three-year period which will end in FY 2026.

Youth Interrogation: Legislation did not pass that would have prohibited any questioning of a juvenile who is suspected of delinquent or criminal behavior unless the parent or guardian of the juvenile is present during questioning.

Minimum Age for Youth at the Training School: Legislation did not pass that would have prohibited the incarceration of children under the age of 14 at the Rhode Island Training School (except in cases when the juvenile is charged with murder, first degree sexual assault, or an attempt to commit such offenses).

Juvenile Parole: Legislation did not pass that would have allowed prisoners who committed offenses prior to age 18 and sentenced as adults to be eligible for parole after completing 15 years of their sentence.

Parental Incarceration: Legislation did not pass that would have required the courts to consider the parental status of a defendant at time of sentencing and issue a sentence that does not include imprisonment unless the parent poses a significant risk to the community that outweighs the harm of parent's absence from a child's life.

Other

Equity Impact Statements: Legislation did not pass that would have required that the Governor's proposed annual budgets include an explanation of how the budget supports ongoing efforts to promote equity in Rhode Island or that would have required all legislation submitted to include an equity impact statement.

Voting Rights and Access: Legislation passed that allows individuals under 18 to vote in primary elections if they will turn 18 by the general or special election date. Legislation did not pass that would have allowed for consideration of an amendment to the state constitution to allow for same day voter registration.

Open Meetings: Legislation did not pass that would have allowed some public bodies to meet using videoconferencing technology and/or for public comment. Also, legislation did not pass that would have required translation services at open meetings.

***Revenue for Rhode Island:** Legislation did not pass that would have increased the tax rate for the top 1% of earners to generate more state revenue that would then be invested in K-12 education, child care and early learning programs, and transportation.

*Right from the Start Campaign priority. Please see rightfromthestartri.org for more information.

Fiscal Year 2024 Budget

The Rhode Island General Assembly enacted an FY 2024 budget in the amount of \$14.0 billion. The budget consists of \$5.4 billion in state general revenue, \$5.6 billion in federal funds, \$392 million in restricted receipts, and \$2.6 billion in other funds.



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