

1 (d) Beginning in the 2021 fiscal year, the department of elementary and secondary
2 education shall include the number of students enrolled in RI Pre-K classrooms approved by the
3 department in the average daily membership.

4 ~~(e)~~(e) Local education agencies may set aside a portion of funds received under
5 subsection (a) to expand learning opportunities such as after school and summer programs, full-
6 day kindergarten and/or multiple pathway programs, provided that the basic education program
7 and all other approved programs required in law are funded.

8 ~~(f)~~(f) The department of elementary and secondary education shall promulgate such
9 regulations as are necessary to implement fully the purposes of this chapter.

10 **16-7.2-6. Categorical programs, state funded expenses.**

11 In addition to the foundation education aid provided pursuant to § 16-7.2-3, the
12 permanent foundation education-aid program shall provide direct state funding for:

13 (a) Excess costs associated with special education students. Excess costs are defined
14 when an individual special education student's cost shall be deemed to be "extraordinary".
15 Extraordinary costs are those educational costs that exceed the state-approved threshold based on
16 an amount above five times the core foundation amount (total of core-instruction amount plus
17 student success amount). The department of elementary and secondary education shall prorate the
18 funds available for distribution among those eligible school districts if the total approved costs for
19 which school districts are seeking reimbursement exceed the amount of funding appropriated in
20 any fiscal year; and the department of elementary and secondary education shall also collect data
21 on those educational costs that exceed the state-approved threshold based on an amount above
22 two (2), three (3), and four (4) times the core-foundation amount;

23 (b) Career and technical education costs to help meet initial investment requirements
24 needed to transform existing, or create new, comprehensive, career and technical education
25 programs and career pathways in critical and emerging industries and to help offset the higher-
26 than-average costs associated with facilities, equipment maintenance and repair, and supplies
27 necessary for maintaining the quality of highly specialized programs that are a priority for the
28 state. The department shall develop criteria for the purpose of allocating any and all career and
29 technical education funds as may be determined by the general assembly on an annual basis. The
30 department of elementary and secondary education shall prorate the funds available for
31 distribution among those eligible school districts if the total approved costs for which school
32 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

33 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
34 programs. The department shall recommend criteria for the purpose of allocating any and all early

1 childhood program funds ~~as may be determined by the general assembly~~ consistent with chapter
2 16-87;

3 (d) Central Falls, Davies, and the Met Center Stabilization Fund is established to ensure
4 that appropriate funding is available to support their students. Additional support for Central Falls
5 is needed due to concerns regarding the city's capacity to meet the local share of education costs.
6 This fund requires that education aid calculated pursuant to § 16-7.2-3 and funding for costs
7 outside the permanent foundation education-aid formula, including, but not limited to,
8 transportation, facility maintenance, and retiree health benefits shall be shared between the state
9 and the city of Central Falls. The fund shall be annually reviewed to determine the amount of the
10 state and city appropriation. The state's share of this fund may be supported through a reallocation
11 of current state appropriations to the Central Falls school district. At the end of the transition
12 period defined in § 16-7.2-7, the municipality will continue its contribution pursuant to § 16-7-24.
13 Additional support for the Davies and the Met Center is needed due to the costs associated with
14 running a stand-alone high school offering both academic and career and technical coursework.
15 The department shall recommend criteria for the purpose of allocating any and all stabilization
16 funds as may be determined by the general assembly;

17 (e) Excess costs associated with transporting students to out-of-district non-public
18 schools. This fund will provide state funding for the costs associated with transporting students to
19 out-of-district non-public schools, pursuant to chapter 21.1 of this title. The state will assume the
20 costs of non-public out-of-district transportation for those districts participating in the statewide
21 system. The department of elementary and secondary education shall prorate the funds available
22 for distribution among those eligible school districts if the total approved costs for which school
23 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

24 (f) Excess costs associated with transporting students within regional school districts.
25 This fund will provide direct state funding for the excess costs associated with transporting
26 students within regional school districts, established pursuant to chapter 3 of this title. This fund
27 requires that the state and regional school district share equally the student transportation costs
28 net any federal sources of revenue for these expenditures. The department of elementary and
29 secondary education shall prorate the funds available for distribution among those eligible school
30 districts if the total approved costs for which school districts are seeking reimbursement exceed
31 the amount of funding available in any fiscal year;

32 (g) Public school districts that are regionalized shall be eligible for a regionalization
33 bonus as set forth below:

1 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
2 district established under the provisions of chapter 3 of this title, including the Chariho Regional
3 School district;

4 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
5 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
6 regionalization bonus shall commence in the first fiscal year following the establishment of a
7 regionalized school district as set forth in chapter 3 of this title, including the Chariho Regional
8 School District;

9 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the
10 state's share of the foundation education aid for the regionalized district as calculated pursuant to
11 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

12 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
13 state's share of the foundation education aid for the regionalized district as calculated pursuant to
14 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year;

15 (5) The regionalization bonus shall cease in the third fiscal year;

16 (6) The regionalization bonus for the Chariho regional school district shall be applied to
17 the state share of the permanent foundation education aid for the member towns; and

18 (7) The department of elementary and secondary education shall prorate the funds
19 available for distribution among those eligible regionalized school districts if the total, approved
20 costs for which regionalized school districts are seeking a regionalization bonus exceed the
21 amount of funding appropriated in any fiscal year;

22 (h) Additional state support for ~~English learners (EL)~~ multilingual learners (MLL). The
23 amount to support ~~EL~~ multilingual students shall be determined by multiplying an ~~EL~~ MLL factor
24 of ten percent (10%) by the core-instruction per-pupil amount defined in § 16-7.2-3(a)(1) and
25 applying that amount of additional state support to ~~EL~~ multilingual students identified using
26 widely adopted, independent standards and assessments identified by the commissioner. All
27 categorical funds distributed pursuant to this subsection must be used to provide high-quality,
28 research-based services to ~~EL~~ multilingual students and managed in accordance with
29 requirements set forth by the commissioner of elementary and secondary education. The
30 department of elementary and secondary education shall collect performance reports from
31 districts and approve the use of funds prior to expenditure. The department of elementary and
32 secondary education shall ensure the funds ~~are aligned to activities that are innovative and~~
33 ~~expansive and not utilized for activities the district is currently funding~~ are utilized for:

34 (1) Increasing the number of new bilingual classrooms and programs;

- 1 (2) Increasing capacity of multilingual educators and English to Speakers of Other
2 Languages (ESOL) certified educators;
3 (3) Continuous training to retain multilingual and ESOL certified educators;
4 (4) Increasing the knowledge and capacity of building administrators about MLL students
5 to better support them;
6 (5) Provide training for general education teachers to become certified in ESOL; and
7 (6) Provide training for instructional coaches and personnel supporting differently-abled
8 students to serve multilingual students.

9 The department of elementary and secondary education shall prorate the funds available for
10 distribution among eligible recipients if the total calculated costs exceed the amount of funding
11 available in any fiscal year;

12 (i) State support for school resource officers and mental health professionals. For
13 purposes of this subsection, a school resource officer (SRO) shall be defined as a career law
14 enforcement officer with sworn authority who is deployed by an employing police department or
15 agency in a community-oriented policing assignment to work in collaboration with one or more
16 schools. School resource officers should have completed at least forty (40) hours of specialized
17 training in school policing, administered by an accredited agency, before being assigned.
18 Beginning in FY 2019, for a period of three (3) years, school districts or municipalities that
19 choose to employ school resource officers shall receive direct state support for costs associated
20 with employing such officers at public middle and high schools. Districts or municipalities shall
21 be reimbursed an amount equal to one-half (1/2) of the cost of salaries and benefits for the
22 qualifying positions. Funding will be provided for school resource officer positions established on
23 or after July 1, 2018, provided that:

24 (1) Each school resource officer shall be assigned to one school:

25 (i) Schools with enrollments below one thousand twelve hundred (1,200) students shall
26 require one school resource officer;

27 (ii) Schools with enrollments of one thousand twelve hundred (1,200) or more students
28 shall require two school resource officers;

29 (2) School resource officers hired in excess of the requirement noted above shall not be
30 eligible for reimbursement; ~~and~~

31 (3) Schools that eliminate existing school resource officer positions and create new
32 positions under this provision shall not be eligible for reimbursement; and

33 (4) For FY 2021, school districts that choose to employ additional mental health
34 professionals at public schools may apply to receive direct state support for costs associated with

1 employing such staff. Districts shall be reimbursed an amount equal to one-half (1/2) of the cost
2 of salaries and benefits for the qualifying positions, provided that the District commits to funding
3 the position beyond FY 2021 in the absence of continued state funds.

4 (i) For the purposes of this section, mental health professionals shall be defined to
5 include, but not be limited to, student assistance counselors, school counselors, social workers,
6 and school psychologists;

7 (ii) Schools that eliminate existing mental health professional positions and create new
8 positions under this provision shall not be eligible for reimbursement;

9 (iii) The Department of Education will establish an application process and will oversee
10 distribution of the funds. If demand for the funds is greater than what is allocated, the department
11 will create a process where priority will be given based on, but not limited to, current mental
12 health capacity at the school and its demonstrated need based on documented incident reports.

13 (j) Categorical programs defined in (a) through (g) shall be funded pursuant to the
14 transition plan in § 16-7.2-7.

15 SECTION 2. Sections 16-48-1, 16-48-2, 16-48-3, 16-48-5, and 16-48-6 of the General
16 Laws in Chapter 16-48 entitled “Educational Services to Very Young Children” is hereby
17 amended to read as follows:

18 **16-48-1. Applicability**

19 This chapter shall pertain to ~~private nursery schools and other regular~~ schools or
20 programs of educational services to children between the ages of ~~two (2)~~ four (4) years ~~eight (8)~~
21 ~~months~~ and six (6) years of age ~~where the schools and programs operate one or more sessions~~
22 ~~daily~~. It does not include bona fide kindergarten and ~~nursery~~ preschool classes which are part of a
23 nonpublic elementary school system.

24 **16-48-2. Establishment High Quality Comprehensive Approval of and operation of**
25 **schools Classrooms and Programs.**

26 (a) ~~No~~ Any person, unincorporated society, association, or corporation desiring High
27 Quality Comprehensive Approval ~~to operate of a school classroom~~ or program as defined in this
28 chapter shall ~~be permitted to establish and maintain a school or program unless and until~~ file an
29 application ~~has been filed~~ with the commissioner of elementary and secondary education and
30 suitable provision has been made to fulfill ~~any minimum requirements of adequate faculty, health,~~
31 ~~safety, sanitation, site, physical plant, educational program, and any other~~ standards that ~~may be~~
32 are established through rules and regulations promulgated by the commissioner of elementary and
33 secondary education. Upon satisfactory compliance with the standards as established by the
34 commissioner of elementary and secondary education, ~~along with the certification by the~~

1 ~~appropriate fire, health, and building inspectors,~~ the school classroom or program shall ~~be~~
2 ~~approved~~ receive High Quality Comprehensive Approval for a period of ~~one year~~ three years,
3 which approval shall require renewal unless sooner revoked by the commissioner for cause.

4 (b) Upon application ~~to establish~~ for High Quality Comprehensive Approval of a school
5 classroom or program as defined in this chapter or to renew the application, the applicant will
6 submit the names of its owner, officers, and employees. ~~The commissioner of elementary and~~
7 ~~secondary education may request the bureau of criminal identification of the state police to~~
8 ~~conduct a nationwide criminal records check of the owners, officers, and employees of the school~~
9 ~~or program and the bureau of criminal identification of the state police will conduct criminal~~
10 ~~records checks on request. To accomplish nationwide criminal records checks, the commissioner~~
11 ~~may require owners, officers, and employees of the schools or programs to be fingerprinted by~~
12 ~~the bureau of criminal identification of the state police. The commissioner may examine these~~
13 ~~criminal records checks to aid in determining the suitability of the applicant for approval or~~
14 ~~renewal of approval.~~

15 16-48-3. Rules and regulations.

16 The commissioner of elementary and secondary education shall make all necessary rules and
17 regulations as the commissioner shall deem necessary or expedient, in conformity with the
18 provisions of this chapter and not contrary to law, for the necessary accreditation of the ~~schools~~
19 classrooms and programs, and the commissioner shall do all things and perform all acts necessary
20 to enforce the provisions of this chapter.

21 16-48-5. Revocation of approval.

22 The commissioner of elementary and secondary education may revoke or refuse to renew
23 the approval of any ~~nursery school~~ classroom or program approved upon reasonable notice to the
24 school authorities and provided that a hearing on the revocation shall be afforded the parties.
25 Grounds for revocation or refusal to renew shall include:

- 26 (1) Failure to maintain standards;
- 27 (2) Refusal to submit proper reports or records;
- 28 (3) Refusal to admit authorized representatives of the department of elementary and
29 secondary education;
- 30 (4) Furnishing or making misleading or false statements or reports;
- 31 (5) Failure to maintain adequate financial resources; or
- 32 (6) Any other cause which, in the opinion of the commissioner, may be detrimental to the
33 health, education, safety, or welfare of the children involved.

34 16-48-6. Penalty.

1 Every person who violates any of the provisions of this chapter ~~by conducting a school or~~
2 ~~program without first having obtained approval as provided in this chapter~~, or who shall refuse to
3 permit a reasonable inspection and examination of a facility as provided in this chapter, or who
4 shall intentionally make any false statements or reports to the commissioner of elementary and
5 secondary education or the commissioner's agents with reference to the matters contained in these
6 statements or reports, or who conducts this facility after approval has been revoked or suspended
7 shall, upon conviction of the first offense, be imprisoned for a term not exceeding six (6) months
8 or be fined not exceeding one hundred dollars (\$100) for each week that the facility shall have
9 been maintained without approval, and on the second or subsequent offense shall be imprisoned
10 for a term not exceeding one year or be fined not exceeding five hundred dollars (\$500) for each
11 week that the facility shall have been maintained without approval or both the fine and
12 imprisonment.

13 SECTION 3. Chapter 16-87 of the General Laws entitled "Rhode Island Prekindergarten
14 Education Act" is hereby amended by adding thereto the following sections:

15 **16-87-6. High Quality, Universal Prekindergarten.**

16 (a) The general assembly acknowledges the need to adequately prepare all children to
17 succeed in school by providing access to publicly funded, high quality prekindergarten education
18 programs for all four-year-olds.

19 (b) Access to Rhode Island's mixed delivery system of high-quality prekindergarten
20 classrooms in child care centers, public school districts, and Head Start centers shall be expanded
21 across all communities in Rhode Island.

22 (c) Expansion shall continue until every family who wants a high quality, prekindergarten
23 seat for their four-year-olds has one. Universal access will be considered achieved when seventy
24 percent of four-year-olds are enrolled in high-quality prekindergarten programs.

25 **16-87-7. Prekindergarten Facilities.**

26 The Rhode Island department of elementary and secondary education and the department of
27 human services shall work with other state departments and private philanthropy to research and
28 establish programs to improve, expand, and renovate facilities to ensure providers meet licensing
29 and facilities standards to expand access to high-quality prekindergarten learning environments.

30 **16-87-8. High quality elements.**

31 (a) To expand access to high-quality prekindergarten education programs, it is essential
32 to invest in expanding high-quality early learning in order to meaningfully increase children's
33 school readiness.

1 (b) The Rhode Island department of elementary and secondary education is hereby authorized
2 to promulgate and adopt regulations for the implementation of high quality, universal
3 prekindergarten. The following quality standards shall be established in regulation by the Rhode
4 Island department of elementary and secondary education:

5 (i) Teacher education and certification;

6 (ii) Class size and staff ratios;

7 (iii) Learning time;

8 (iv) Learning standards;

9 (v) Curriculum;

10 (vi) Support for students with special needs;

11 (vii) Support for dual English language learners;

12 (viii) Professional development;

13 (ix) Child assessments; and

14 (x) Observations to improve practice

15 **16-87-9 Successful transitions.**

16 (a) Successful coordination between Rhode Island's high-quality prekindergarten and
17 kindergarten programs is essential for setting a solid foundation for all students. In order to have a
18 seamless pathway from prekindergarten to third grade, standards, curriculum, instruction and
19 assessments shall be aligned.

20 (b) Effective transition programs and practices to help students and families move
21 successfully from one setting to another shall be established.

22 (c) All Local Education Agencies (LEAs) in Rhode Island shall develop a transition plan to
23 kindergartens for all incoming students and families. These plans must contain two parts --
24 student and family transition strategies, and program-level transition planning strategies:

25 (1) For student and family transition the following strategies shall be considered:

26 (i) Student visits to their future kindergarten classroom;

27 (ii) Kindergarten teacher visits to the prekindergarten classrooms;

28 (iii) Workshops for families of incoming kindergarten children; and

29 (iv) Kindergarten orientation sessions the summer before school starts.

30 (2) For program-level transition planning the following strategies shall be considered;

31 (i) Creation of transition teams and liaisons between prekindergarten programs and
32 district schools;

33 (ii) Joint professional development and data sharing for prekindergarten to third grade
34 teachers; and

1 (iii) Teacher-to-teacher conferences.

2 **16-87-10. Early childhood education governance and data system.** (a) The Rhode Island
3 department of elementary and secondary education and the department of human services shall
4 work with other state departments that comprise the Children’s Cabinet including, but not limited
5 to, Rhode Island’s department of health, department of children, youth and families, and the
6 executive office of health and human services to facilitate the coordination of federal, state, and
7 local policies concerning early learning and care, as well as seeking, applying for and
8 encouraging the use of any federal funds for early learning and care. These departments shall
9 work together to identify ways to streamline decision-making, eliminate inefficiencies, and
10 ensure that all state systems are coordinated and aligned to the same goals.

11 (b) In order to support a successful early learning system, including the expansion of
12 high-quality prekindergarten programs, the Early Childhood and Education Data System
13 (ECEDS) shall receive continued investment, development and support. ECEDS is an integrated
14 data system to facilitate the sharing of information and data-driven decision-making. ECEDS has
15 become the centralized source for much of our early learning data across multiple state agencies.
16 It also has the capability to share essential child level data with state agencies and early childhood
17 programs and key information about early learning providers and programs with families.

18 **16-87-11. Ensuring access for low-income children.**

19 (a) The Rhode Island department of elementary and secondary education and the
20 department of human services will ensure that during the state prekindergarten Request for
21 Proposal process, priority points will be awarded to communities serving a higher proportion of
22 low-income children.

23 (b) Until such time that Universal Prekindergarten is achieved in a community, the state
24 prekindergarten lottery process will include an algorithm to match the enrollment to the
25 socioeconomic distribution of the community. For the lottery process, the poverty level is
26 determined by free or reduced lunch status, or 185% of the federal poverty guidelines.

27 SECTION 4. Sections 16-87-2 and 16-87-4 of the General Laws in Chapter 16-87
28 entitled "Rhode Island Prekindergarten Education Act" is hereby amended as follows:

29 **16-87-2. Findings.**

30 (a) The general assembly hereby finds that attending high quality early childhood
31 education programs help children develop important social and cognitive skills and knowledge
32 that prepares children to succeed in school. Research has shown long-lasting benefits for children
33 who participate in very high quality, educationally focused early childhood programs. The
34 benefits to children can also generate substantial government cost savings, including reduced

1 need for special education services, reduced need for cash assistance and other public benefits,
2 and reduced rates of incarceration.

3 (b) The general assembly finds that there are substantial numbers of children in Rhode Island
4 entering kindergarten who are not adequately prepared to succeed in school. Early school failure
5 may ultimately contribute to such children dropping out of school at an early age, failing to
6 achieve their full potential, becoming dependent upon public assistance, or becoming involved in
7 criminal activities.

8 (c) Furthermore, the general assembly finds that there is an existing infrastructure of early
9 childhood programs in Rhode Island serving preschool age children in full-day and half-day
10 programs that is supported through state and federal investments in child care, Head Start and
11 special education. It is the goal of the general assembly to support a system of publicly-funded,
12 high quality prekindergarten education programs that are operated through a diverse delivery
13 network, including child care, Head Start and public school districts.

14 (d) By enacting this law, the general assembly acknowledges the need to adequately prepare
15 all children to succeed in school by providing access to publicly-funded high quality
16 prekindergarten education programs.

17 (e) Since 2008, Rhode Island’s state prekindergarten program, RI Pre-K, has expanded to
18 offer more than one thousand four hundred high-quality prekindergarten seats to four-year-olds
19 across thirteen communities. Rhode Island’s mixed delivery prekindergarten model has been
20 nationally recognized as one of the highest quality state prekindergarten programs in the United
21 States.

22 **16-87-4. Early childhood workforce development.**

23 The Rhode Island department of elementary and secondary education and the department
24 of human services shall work with other state departments and private philanthropy to establish a
25 statewide, comprehensive, research-based early childhood workforce development scholarship
26 program to expand the numbers of early childhood educators who have an associate's or
27 bachelor's degree in early childhood education and who work with children from birth to age five
28 (5).

29 SECTION 5. Sections 16-87-3 and 16-87-5 of the General Laws in Chapter 16-87
30 entitled “Rhode Island Prekindergarten Education Act” are hereby repealed.

31 ~~**16-87-3. Planning phase for a prekindergarten program.**~~

32 ~~(a) The Rhode Island department of elementary and secondary education shall begin~~
33 ~~planning an initial, pilot prekindergarten program that meets high quality standards, builds on the~~
34 ~~existing early childhood education infrastructure in the state (including child care, Head Start and~~

1 ~~public schools) and serves children ages three (3) and four (4) who reside in communities with~~
2 ~~concentrations of low performing schools. This planning phase will develop specific goals to~~
3 ~~expand the pilot prekindergarten program over time and will also identify opportunities to~~
4 ~~strengthen care and learning programs for infants and toddlers.~~

5 ~~(b) During this planning phase, the Rhode Island department of elementary and~~
6 ~~secondary education will quantify the resources needed to achieve and maintain high quality~~
7 ~~standards in prekindergarten programs and identify incentives and supports to develop a qualified~~
8 ~~early education workforce, including opportunities for experienced early childhood educators and~~
9 ~~paraprofessionals to acquire college degrees and earn early childhood teacher certification.~~

10 ~~(c) The Rhode Island department of elementary and secondary education will begin to~~
11 ~~develop plans to collect and analyze data regarding the impact of the pilot prekindergarten~~
12 ~~program on participating children's school readiness and school achievement.~~

13 ~~**16-87-5. Reporting.**~~

14 ~~The Rhode Island department of elementary and secondary education shall report back to~~
15 ~~the general assembly and the governor on the progress of the pilot planning phase no later than~~
16 ~~October 31, 2008.~~

17 SECTION 6. Section 16-105-7 of the General Laws in Chapter 16-105 entitled "School
18 Building Authority" is hereby amended as follows:

19 **16-105-7. Expenses incurred by the school building authority.**

20 In order to provide for ~~one time or limited~~ the expenses of the school building authority
21 under this chapter, the Rhode Island health and educational building corporation shall provide
22 funding from the school building authority capital fund, fees generated from the origination of
23 municipal bonds and other financing vehicles used for school construction, any investment
24 income generated by state and municipal funds held in trust by the Rhode Island health and
25 educational building corporation, and its own reserves. The school building authority shall, by
26 October 1 of each year, report to the governor and the chairs of the senate and house finance
27 committees, the senate fiscal advisor, and the house fiscal advisor the amount sought for expenses
28 for the next fiscal year.

29 There is also hereby established a restricted-receipt account within the budget of the
30 department of elementary and secondary education entitled "school construction services," to be
31 financed by the Rhode Island health and educational building corporation's sub-allotments of fees
32 generated from the origination of municipal bonds and other financing vehicles used for school
33 construction, any investment income generated by state and municipal funds held in trust by the
34 Rhode Island health and educational building corporation, and its own reserves. Effective July 1,

1 2018, this account shall be utilized for the express purpose of supporting personnel expenditures
2 directly related to the administration of the school construction aid program. Expenditure of all
3 restricted receipts accepted by the department shall be subject to the annual appropriation process
4 and approval by the general assembly.

5 SECTION 7. Sections 16-107-3, 16-107-4, 16-107-5, and 16-107-6 of the General Laws
6 in Chapter 16-107 entitled "Rhode Island Promise Scholarship" are hereby amended as follows:

7 **16-107-3. Establishment of scholarship program.**

8 Beginning with the high school graduating class of 2017, it is hereby established the
9 Rhode Island promise scholarship programs ~~that will end with the high school graduating class~~
10 ~~of 2020~~. The general assembly shall annually appropriate the funds necessary to implement the
11 purposes of this chapter. Additional funds beyond the scholarships may be appropriated to
12 support and advance the Rhode Island promise scholarship program. In addition to appropriation
13 by the general assembly, charitable donations may be accepted into the scholarship program.

14 **16-107-4. Definitions.**

15 When used in this chapter, the following terms shall have the following meanings:

16 (1) "FAFSA" means the Free Application for Federal Student Aid form;

17 (2) "Certificate" means any certificate program with labor market value as defined by the
18 Postsecondary Commissioner.

19 ~~(3)(2)~~ "Mandatory fees and tuition" are the costs that every student is required to pay in
20 order to enroll in classes, and does not include room and board, textbooks, program fees that may
21 exist in some majors, course fees that may exist for some specific courses, meal plans, or travel;

22 ~~(4)(3)~~ "On track to graduate on time" means the standards determined by the community
23 college of Rhode Island in establishing the expectation of a student to graduate with an associate's
24 degree or certificate within two (2) years of enrollment (recognizing that some students, including
25 students who require developmental education, are double majors, or are enrolled in certain
26 professional programs may require an extended time period for degree completion);

27 ~~(5)(4)~~ "Scholarship program" means the Rhode Island promise scholarship program that
28 is established pursuant to § 16-107-3;

29 ~~(6)(5)~~ "Recipient student" means a student attending the community college of Rhode
30 Island who qualifies ~~to~~ receive the Rhode Island promise scholarship pursuant to § 16-107-6; and

31 ~~(7)(6)~~ "State" means the State of Rhode Island and Providence Plantations.

32 **16-107-5. Administration of scholarship program.**

33 (a) The financial aid office, in conjunction with the office of enrollment management or
34 their respective equivalent offices, at the community college of Rhode Island, shall administer the

1 scholarship program for state residents seeking associate degrees or certificates who meet the
2 eligibility requirements in this chapter

3 (b) An award of the scholarship program shall cover up to the cost of two (2) years of
4 tuition and mandatory fees, less federal and all other financial aid monies available to the
5 recipient student. No grant received by students from the Department of Children, Youth and
6 Families' Higher Education Opportunity Incentive Grant as established by § 42-72.8 or the
7 College Crusade Scholarship Act as established in § 16-70 shall be considered federal or financial
8 aid for the purposes of this Chapter.

9 (c) The scholarship program is limited to one award per student as required by § 16-107-
10 6(a)(7).

11 A student may continue to receive an award towards a degree following completion of a
12 certificate program, provided that the student remains on track to graduate on time.

13 **16-107-6. Eligibility for scholarship.**

14 (a) Beginning with the students who enroll at the community college of Rhode Island in
15 fall of 2017 ~~and ending with students who enroll at the community college of Rhode Island in the~~
16 ~~fall of 2020~~, to be considered for the scholarship, a student:

17 (1) Must qualify for in-state tuition and fees pursuant to the residency policy adopted by
18 the council on postsecondary education, as amended, supplemented, restated, or otherwise
19 modified from time to time ("residency policy"); provided, that, the student must have satisfied
20 the high school graduation/equivalency diploma condition prior to reaching nineteen (19) years of
21 age; provided, further, that in addition to the option of meeting the requirement by receiving a
22 high school equivalency diploma as described in the residency policy, the student can satisfy the
23 condition by receiving other certificates or documents of equivalent nature from the state or its
24 municipalities as recognized by applicable regulations promulgated by the council on elementary
25 and secondary education;

26 (2) Must be admitted to, and must enroll and attend the community college of Rhode
27 Island on a full-time basis by the semester immediately following high school graduation or the
28 semester immediately following receipt of a high school equivalency diploma;

29 (3) Must complete the FAFSA and any required FAFSA verification by the deadline
30 prescribed by the community college of Rhode Island for each year in which the student seeks to
31 receive funding under the scholarship program;

32 (4) Must continue to be enrolled on a full-time basis;

33 (5) Must maintain an average annual cumulative grade point average (GPA) of 2.5 or
34 greater, as determined by the community college of Rhode Island;

1 (6) Must remain on track to graduate on time with an associate degree or a certificate as
2 determined by the community college of Rhode Island;

3 (7) Must not have already received an award under this scholarship program; and

4 (8) Must commit to live, work, or continue their education in Rhode Island after
5 graduation.

6 The community college of Rhode Island shall develop a policy that will secure this commitment
7 from recipient students.

8 (b) Notwithstanding the eligibility requirements under subsection (a) of this section
9 ("specified conditions"):

10 (i) In the case of a recipient student who has an approved medical or personal leave of
11 absence or is unable to satisfy one or more specified conditions because of the student's medical
12 or personal circumstances, the student may continue to receive an award under the scholarship
13 program upon resuming the student's education so long as the student continues to meet all other
14 applicable eligibility requirements; and

15 (ii) In the case of a recipient student who is a member of the national guard or a member of a
16 reserve unit of a branch of the United States military and is unable to satisfy one or more
17 specified conditions because the student is or will be in basic or special military training, or is or
18 will be participating in a deployment of the student's guard or reserve unit, the student may
19 continue to receive an award under the scholarship program upon completion of the student's
20 basic or special military training or deployment.

21 SECTION 8. Title 42 of the General Laws entitled "State Affairs and Government" is
22 hereby amended by adding thereto the following Chapter:

23 CHAPTER 42-12.6

24 THE RHODE ISLAND EARLY CHILDHOOD CARE AND EDUCATION CAPITAL FUND

25 ACT

26 42-12.6-1. Short title.

27 This chapter shall be known and may be cited as the "Rhode Island early childhood care and
28 education capital fund act."

29 42-12.6-2. Findings.

30 (a) It is hereby found and declared that all children deserve high-quality, developmentally
31 appropriate learning environments that are designed to keep them safe, healthy, and support their
32 physical, behavioral and cognitive development.

33 (b) It is also found that many of Rhode Island's existing early learning facilities suffer from
34 poor building conditions that may impact children's health, safety, and quality in programming.

1 (c) Furthermore, according to a 2019 Rhode Island Early Learning Facilities Needs
2 Assessment, many early learning providers in Rhode Island have expressed interest in improving
3 quality, opening new facilities spaces, and/or operating additional programs but 88% lack the
4 financial resources to do so. It also found that of the state’s 39 municipalities, 24 have more than
5 three infants and toddlers for every licensed slot available. There are also 18 communities that
6 have no high-quality child care available for infants and toddlers. Consequently, a need exists to
7 initiate funding strategies and innovative partnerships to improve and expand quality early
8 learning facilities.

9 (d) Through the establishment of the Rhode Island early childhood care and education capital
10 fund, Rhode Island can take steps to expand quality early learning facilities within a mixed
11 delivery system by providing funding that capitalizes on existing spaces, facilitates innovative
12 partnerships, and provides technical support in order to build a strong pipeline of new
13 construction projects.

14 **42-12.6-3. Definitions.**

15 (a) As used in this chapter:

16 (1) “Department” means the Rhode Island department of human services.

17 (2) “Early childhood care and education” refers to programs that are state licensed to provide
18 child care and serve children from birth through age six (6).

19 (3) “Eligible facility” means a building, structure or site that is, or will be, owned, leased or
20 otherwise used by one (1) or more eligible organizations and licensed by the department or local
21 education agency (LEA); provided that the facility shall serve or have a commitment to serve
22 low-income families; provided further, that leased facilities shall have a lease term that is
23 consistent with the scale of capital investment, but shall not be less than fifteen (15) years; and
24 provided further that municipally-owned buildings shall be eligible provided that there is a
25 dedicated single purpose space for licensed early childhood care and education.

26 (4) “Eligible organization” means a child care provider that is, at the time of its initial
27 application, providing, or has demonstrated a commitment to provide, early childhood care and
28 education and for low-income families with a public subsidy.

29 (5) “Eligible Project” means the acquisition, design, construction, repair, renovation,
30 rehabilitation or other capital improvement or deferred maintenance of an eligible facility.

31 (6) “Qualified community partner organization” means a certified community development
32 financial intermediary selected by the department. Said organization must possess experience
33 operating in Rhode Island, specifically supporting the early learning sector, have demonstrated

1 fund management capabilities, and have expertise informing early learning facilities best practice
2 through assessment, training, and technical support.

3 **42-12.6-4. Administration of program.**

4 (a) The Department shall establish, administer, and oversee the Rhode Island early childhood
5 care and education capital fund as a competitive grant program, provided, however, that the
6 department may contract with a qualified community partner organization to administer the
7 program.

8 (b) Each recipient of a grant from the Rhode Island early childhood care and education fund
9 established in this chapter shall be an eligible organization intending to undertake an eligible
10 project having submitted an application that demonstrates: (i) a need for such project; (ii) the
11 project benefits to low-income children and the affected community; (iii) a financial need for
12 assistance in the form of such a grant; and (iv) local support for the project. Preference may be
13 given to projects that improve access to early childhood care and education in underserved
14 communities, commitment to providing high-quality care and education, and commitment to
15 serving families with public subsidy.

16 (c) The department shall promulgate such rules and regulations as are necessary to carry out
17 the intent and purpose and implementation of the responsibilities of each under this chapter.

18 **42-12.6-5. Funding for program.**

19 (a) The program established under this chapter may be funded from the proceeds of a general
20 obligation bond issuance dedicated to this purpose.

21 (b) The department of human services is hereby authorized to establish a restricted receipt
22 account, known as the “Rhode Island early childhood care and education capital fund,” within the
23 general fund of the state into which all amounts appropriated for the program created under this
24 chapter shall be deposited. In addition, charitable donations may be accepted into the account.
25 The account shall be used to pay for: (i) grants to eligible organizations; (ii) technical assistance
26 to early childhood care and education providers in matters related to capital planning and
27 application assistance; and (iii) costs associated with the administration of the program. The
28 account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

29 **42-12.6-5. Program integrity and reporting.**

30 (a) Program integrity being of paramount importance, the department shall establish
31 procedures to ensure ongoing compliance with the terms and conditions of the program
32 established under this chapter, including procedures to safeguard the expenditure of public funds,
33 to ensure that the funds further the objectives of the program, and to evaluate the impact of the
34 program. Such requirements may include the submission of bank statements to verify availability

1 of matching funds and contractor invoices to substantiate project expenses, in addition to such
2 other reasonable documentation the department may require.

3 (b) The department shall publish a report on the Rhode Island early childhood care and
4 education capital fund. The report shall contain information on the status of program
5 implementation as well as an accounting of the commitment, disbursement, and use of funds
6 allocated to the program including a listing of the organization name, city or town in which
7 facility is located, project description, and grant amount for each recipient. The report shall also,
8 to the extent practicable, track the impact of each completed project in terms of the number and
9 quality of current or additional classrooms and seats supported and any other information that the
10 department may deem appropriate. The report is due no later than ninety (90) days after the end
11 of the fiscal year and shall be provided to the governor, speaker of the house of representatives,
12 and the president of the senate.

13 SECTION 9. Sections 42-64.26-3, 42-64.26-5, 42-64.26-8 and 42-64.26-12 of the
14 General Laws in Chapter 42-64.26 entitled “Stay Invested in RI Wavemaker Fellowship” are
15 hereby amended to read as follows:

16 **42-64.26-3. Definitions.**

17 As used in this chapter:

18 (1) “Eligible graduate” means an individual who meets the eligibility requirements under
19 this chapter.

20 (2) “Applicant” means an eligible graduate who applies for a tax credit for education loan
21 repayment expenses under this chapter.

22 (3) “Award” means a tax credit awarded by the commerce corporation to an applicant as
23 provided under this chapter.

24 (4) “Business” means any corporation, state bank, federal savings bank, trust company,
25 national banking association, bank holding company, loan and investment company, mutual
26 savings bank, credit union, building and loan association, insurance company, investment
27 company, broker-dealer company or surety company, limited liability company, partnership, sole
28 proprietorship, or federal agency or subsidiaries thereof.

29 ~~(4)~~(5) “Taxpayer” means an applicant who receives a tax credit under this chapter.

30 ~~(5)~~(6) “Commerce corporation” means the Rhode Island commerce corporation
31 established pursuant to chapter 64 of title 42.

32 ~~(6)~~(7) “Eligible expenses” or “education loan repayment expenses” means annual higher
33 education loan repayment expenses, including, without limitation, principal, interest and fees, as

1 may be applicable, incurred and paid by an eligible graduate ~~and which the eligible graduate is~~
2 ~~obligated to repay~~ for attendance at a post-secondary institution of higher learning.

3 (8) “Eligible high-demand STEM teacher” means a full-time content area teacher
4 employed by a Rhode Island local education agency and satisfying criteria proposed by the Rhode
5 Island Commissioner of Education in consultation with the commerce corporation and approved
6 by the commerce corporation, which at a minimum shall include provisions regarding minimum
7 instructional hours and qualifying high-demand STEM subject areas.

8 ~~(7)~~(9) “Eligibility period” means a term of up to four (4) consecutive service periods
9 beginning with the date that an eligible graduate receives initial notice of award under this
10 chapter and expiring at the conclusion of the fourth service period after such date specified.

11 ~~(8)~~(10) “Eligibility requirements” means the following qualifications or criteria required
12 for an applicant to claim an award under this chapter:

13 (i) That the applicant shall have graduated from an accredited two (2) year, four (4) year
14 or graduate post-secondary institution of higher learning with an associate’s, bachelor’s, graduate,
15 or post-graduate degree and at which the applicant incurred education loan repayment expenses;
16 and be either

17 ~~(A)(ii) That the applicant shall be a~~A full-time employee with a Rhode Island-based
18 employer located in this state throughout the eligibility period, whose employment is for work in
19 one or more of the following covered fields: life, natural or environmental sciences; computer,
20 information or software technology; advanced mathematics or finance; engineering; industrial
21 design or other commercially related design field; or medicine or medical device technology;
22 or

23 (B) A full-time employee that is an eligible high-demand STEM teacher.

24 ~~(9)~~(11) “Full-time employee” means a person who is employed by a business or an
25 eligible high-demand STEM teacher as defined herein for consideration for a minimum of at least
26 thirty-five (35) hours per week, or who renders any other standard of service generally accepted
27 by custom or practice as full-time employment, or who is employed by a professional employer
28 organization pursuant to an employee leasing agreement between the business and the
29 professional employer organization for a minimum of thirty-five (35) hours per week, or who
30 renders any other standard of service generally accepted by custom or practice as full-time
31 employment, and whose earnings are subject to Rhode Island income tax ~~and whose wages are~~
32 ~~subject to withholding.~~

33 (12) “Local education agency” means a public board of education/school committee or
34 other public authority legally constituted within the State for either administrative control or
direction of one or more Rhode Island public elementary schools or secondary schools, or a

1 [regional school district, state-operated school, regional collaboration, and charter school or](#)
2 [mayoral academy.](#)

3 ~~(10)~~(13) “Service period” means a twelve (12) month period beginning on the date that
4 an ~~eligible graduate~~ [applicant](#) receives initial notice of award under this chapter.

5 ~~(11)~~(14) “Student loan” means a loan to an individual by a public authority or private
6 lender to assist the individual to pay for tuition, books, and living expenses in order to attend a
7 post-secondary institution of higher learning.

8 ~~(12)~~(15) “Rhode Island-based employer” means (i) an employer having a principal place
9 of business or at least fifty-one percent (51%) of its employees located in this state; or (ii) an
10 employer registered to conduct business in this state that reported Rhode Island tax liability in the
11 previous tax year.

12 ~~(13)~~(16) “Fund” refers to the “Stay Invested in RI Wavemaker Fellowship Fund”
13 established pursuant to § 42-64.26-4.

14 [42-64.26-5. Administration.](#)

15 (a) *Application.* An eligible graduate claiming an award under this chapter shall submit to
16 the commerce corporation an application in the manner that the commerce corporation shall
17 prescribe.

18 (b) Upon receipt of a proper application from an applicant who meets all of the eligibility
19 requirements, the commerce corporation shall select applicants on a competitive basis to receive
20 credits for up to a maximum amount for each service period of one thousand dollars (\$1,000) for
21 an associate’s degree holder, four thousand dollars (\$4,000) for a bachelor’s degree holder, and
22 six thousand dollars (\$6,000) for a graduate or post-graduate degree holder, but not to exceed the
23 education loan repayment expenses incurred by such taxpayer during each service period
24 completed, for up to four (4) consecutive service periods provided that the taxpayer continues to
25 meet the eligibility requirements throughout the eligibility period. The commerce corporation
26 shall delegate the selection of the applicants that are to receive awards to ~~a~~ [one or more](#)
27 [fellowship committees](#) to be convened by the commerce corporation and promulgate the selection
28 procedures the fellowship committee [or committees](#) will use, which procedures shall require that
29 the ~~committee’s~~ consideration of applications be conducted on a name-blind and employer-blind
30 basis and that the applications and other supporting documents received or reviewed by the
31 fellowship committee [or committees](#) shall be redacted of the applicant’s name, street address, and
32 other personally-identifying information as well as the applicant’s employer’s name, street
33 address, and other employer-identifying information. The commerce corporation shall determine
34 the composition of the fellowship committee [or committees](#) and the selection procedures it will

1 use in consultation with the state's chambers of commerce [or the Rhode Island Department of](#)
2 [Education, as appropriate.](#)

3 (c) The credits awarded under this chapter shall not exceed one hundred percent (100%)
4 of the education loan repayment expenses ~~incurred~~-paid by such taxpayer during each service
5 period completed for up to four (4) consecutive service periods. Tax credits shall be issued
6 annually to the taxpayer upon proof that (i) the taxpayer has actually incurred and paid such
7 education loan repayment expenses; (ii) the taxpayer continues to meet the eligibility
8 requirements throughout the service period; (iii) The award shall not exceed the original loan
9 amount plus any capitalized interest less award previously claimed under this section; and (iv)
10 that the taxpayer claiming an award is current on his or her student loan repayment obligations.

11 [\(d\) In consultation with the Rhode Island Department of Education, the commerce](#)
12 [corporation shall set guidelines for the proportion of awards to be made to eligible high-demand](#)
13 [STEM teachers so long as no more than one hundred \(100\) and no more than twenty-five percent](#)
14 [\(25%\) of the awards issued in a calendar year are to eligible high-demand STEM teachers.](#)

15 ~~(e)~~(e) The commerce corporation shall not commit to overall awards in excess of the
16 amount contained in the fund.

17 ~~(f)~~(f) The commerce corporation shall reserve seventy percent (70%) of the awards
18 issued in a calendar year to applicants who are permanent residents of the state of Rhode Island or
19 who attended an institution of higher education located in Rhode Island when they incurred the
20 education loan expenses to be repaid.

21 ~~(g)~~(g) In administering award, the commerce corporation shall:

22 (1) Require suitable proof that an applicant meets the eligibility requirements for award
23 under this chapter;

24 (2) Determine the contents of applications and other materials to be submitted in support
25 of an application for award under this chapter; and

26 (3) Collect reports and other information during the eligibility period for each award to
27 verify that a taxpayer continues to meet the eligibility requirements for an award.

28 **42-64.26-8. Carry forward and redemption of tax credits.**

29 (a) If the amount of the tax credit allowed under this chapter exceeds the taxpayer's total
30 tax liability for the year in which the credit is allowed, the amount of such credit that exceeds the
31 taxpayer's tax liability may be carried forward and applied against the taxes imposed for the
32 succeeding four (4) years, or until the full credit is used, whichever occurs first.

33 (b) The tax credit allowed under this chapter may be used as a credit against personal
34 income taxes imposed under chapter 30 of title 44.

1 (c) The division of taxation shall at the request of a taxpayer redeem such credits in
2 whole or in part for one hundred percent (100%) of the value of the tax credit.

3 (d) Any award made ~~amounts paid to a taxpayer for the redemption of tax credits allowed~~
4 pursuant to this section shall be exempt from taxation under title 44 of the General Laws.

5 42-64.26-12. Sunset.

6 No incentives or credits shall be authorized pursuant to this chapter after ~~December 31,~~
7 ~~2020~~December 31, 2023.

8 SECTION 10. Section 45-38.2-3 of the General Laws in Chapter 45-38.2 entitled "School
9 Building Authority Capital Fund" is hereby amended as follows:

10 45-38.2-3. Administration.

11 (a) The corporation shall have all the powers necessary or incidental to carry out and
12 effectuate the purposes and provisions of this chapter including:

13 (1) To receive and disburse such funds from the state as may be available for the purpose
14 of the fund subject to the provisions of this chapter;

15 (2) To make and enter into binding commitments to provide financial assistance to cities,
16 towns, and local education agencies from amounts on deposit in the fund;

17 (3) To enter into binding commitments to provide subsidy assistance for loans and city,
18 town, and local education agency obligations from amounts on deposit in the fund;

19 (4) To levy administrative fees on cities, towns, and local education agencies as
20 necessary to effectuate the provisions of this chapter; provided that the total amount of all such
21 fees assessed on any municipal bonds and other financing vehicles used for school construction
22 does not exceed ~~one-tenth of one percent (0.001)~~ one percent (.01) of the original principal
23 amount;

24 (5) To engage the services of third-party vendors to provide professional services;

25 (6) To establish one or more accounts within the fund; and

26 (7) Such other authority as granted to the corporation under chapter 38.1 of this title.

27 (b) Subject to the provisions of this chapter, and to any agreements with the holders of
28 any bonds of the corporation or any trustee therefor, amounts held by the corporation for the
29 account of the fund shall be applied by the corporation, either by direct expenditure,
30 disbursement, or transfer to one or more other funds and accounts held by the corporation or a
31 trustee under a trust agreement or trust indenture entered into by the corporation with respect to
32 bonds or notes issued by the corporation under this chapter or by a holder of bonds or notes
33 issued by the corporation under this chapter, either alone or with other funds of the corporation, to
34 the following purposes:

1 (1) To provide financial assistance to cities, towns, and local education agencies to
2 finance costs of approved projects, and to refinance the costs of the projects, subject to such terms
3 and conditions, if any, as are determined by the department and/or the corporation;

4 (2) To fund reserves for bonds of the corporation and to purchase insurance and pay the
5 premiums therefor, and pay fees and expenses of letters or lines of credit and costs of
6 reimbursement to the issuers thereof for any payments made thereon or on any insurance, and to
7 otherwise provide security for, and a source of payment for obligations of the corporation, by
8 pledge, lien, assignment, or otherwise as provided in chapter 38.1 of this title;

9 (3) To pay or provide for subsidy assistance as determined by the school building
10 authority;

11 (4) To provide a reserve for, or to otherwise secure, amounts payable by cities, towns,
12 and local education agencies on loans and city, town, and local education agency obligations
13 outstanding in the event of default thereof; amounts in any account in the fund may be applied to
14 defaults on loans outstanding to the city, town, or local education agency for which the account
15 was established and, on a parity basis with all other accounts, to defaults on any loans or city,
16 town, or local education agency obligations outstanding; and

17 (5) To provide a reserve for, or to otherwise secure, by pledge, lien, assignment, or
18 otherwise as provided in chapter 38.1 of this title, any bonds or notes of the corporation issued
19 under this chapter.

20 (c) The repayment obligations of the city, town, or local education agency for loans shall
21 be in accordance with its eligibility for state aid for school housing as set forth in §§ 16-7-39, 16-
22 77.1-5, and 16-105-3(19).

23 (d) In addition to other remedies of the corporation under any loan or financing
24 agreement or otherwise provided by law, the corporation may also recover from a city, town, or
25 local education agency, in an action in superior court, any amount due the corporation together
26 with any other actual damages the corporation shall have sustained from the failure or refusal of
27 the city, town, or local education agency to make the payments or abide by the terms of the loan
28 or financing agreement.

29 SECTION 11. This article shall take effect upon passage.

30