

1 **ARTICLE 21 SUBSTITUTE A**

2 RELATING TO EDUCATION AID

3 SECTION 1. Sections 16-7-23 and 16-7-29 of the General Laws in Chapter 16-7 entitled
4 “Foundation Level School Support” are hereby amended to read as follows:

5 **16-7-23. Community requirements – Adequate minimum budget provision.** – (a) The
6 school committee's budget provisions of each community for current expenditures in each budget
7 year shall provide for an amount from all sources sufficient to support the basic program and all
8 other approved programs shared by the state. Each community shall contribute local funds to its
9 school committee in an amount not less than its local contribution for schools in the previous
10 fiscal year. Calculation of the annual local contribution shall not include Medicaid revenues
11 received by the municipality or district pursuant to chapter 8 of title 40. A community which has
12 a decrease in enrollment may compute maintenance of effort on a per pupil rather than on an
13 aggregate basis when determining its local contribution; furthermore, a community which
14 experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure
15 in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with
16 the approval of the commissioner. The courts of this state shall enforce this section by writ of
17 mandamus.

18 (b) Whenever any state funds are appropriated for educational purposes, the funds shall
19 be used for educational purposes only and all state funds appropriated for educational purposes
20 must be used to supplement any and all money allocated by a city or town for educational
21 purposes and, in no event, shall state funds be used to supplant, directly or indirectly, any money
22 allocated by a city or town for educational purposes. All state funds shall be appropriated by the
23 municipality to the school committee for educational purposes in the same fiscal year in which
24 they are appropriated at the state level even if the municipality has already adopted a school
25 budget. All state and local funds unexpended by the end of the fiscal year of appropriation shall
26 remain a surplus of the school committee and shall not revert to the municipality. Any surplus of
27 state or local funds appropriated for educational purposes shall not in any respect affect the
28 requirement that each community contribute local funds in an amount not less than its local
29 contribution for schools in the previous fiscal year, subject to subsection (a) of this section, and
30 shall not in any event be deducted from the amount of the local appropriation required to meet the

1 maintenance of effort provision in any given year.

2 **16-7-29. Minimum salary schedule established by community.** – (a) Every community
3 shall establish and put into full effect by appropriate action of its school committee a salary
4 schedule recognizing years of service, experience, and training for all certified personnel
5 regularly employed in the public schools and having no more than twelve (12) annual steps
6 ~~provided, however, that any salary supplement required under § 16-25.3-2 shall not be considered~~
7 ~~a step for the purposes of this section.~~ The term "school year" as applied to the salary schedule
8 means the ten (10) calendar months beginning in September and ending the following June.

9 (b) Nothing in this section shall prohibit a freeze or reduction of the monetary value of
10 the steps in the salary schedule through the collective bargaining process.

11 SECTION 2. Section 16-17.1-16 of the General Laws in Chapter 16-7.1 entitled “The
12 Rhode Island Student Investment Initiative” is hereby amended to read as follows

13 **16-7.1-15. The Rhode Island student investment initiative.** – (a) Each locally or
14 regionally operated school district shall receive as a base the same amount of school aid as each
15 district received in fiscal year 1997-1998, adjusted to reflect the increases or decreases in aid
16 enacted to meet the minimum and maximum funding levels established for FY 2000 through ~~FY~~
17 ~~2006~~ FY 2007. Each school district shall also receive school aid through each investment fund for
18 which that district qualifies pursuant to §§ 16-7.1-8, 16-7.1-9, 16-7.1-10, 16-7.1-11, 16-7.1-12,
19 16-7.1-16 and 16-7.1-19. These sums shall be in addition to the base amount described in this
20 section. For ~~FY 2007~~ FY 2008, the reference year for the data used in the calculation of aid
21 pursuant to §16-7.1-8, §16-7.1-9, §16-7.1-10, §16-7.1-11, section 16-7.1-11.1, §16-7.1-12, ~~and~~
22 §16-7.1-16, sections 16-7.1-19 and 16-77.1-2(b), shall be FY 2004. Calculation and distribution
23 of education aid under §§ 16-5-31, 16-5-32, 16-7-20, 16-7-20.5, 16-7-34.2, 16-7-34.3, 16-24-6,
24 16-54-4, and 16-67-4 is hereby suspended. The funding of the purposes and activities of chapter
25 67 of this title, the Rhode Island Literacy and Dropout Prevention Act of 1967, shall be the same
26 amount of the base amount of each district funded for that purpose in fiscal year 1997-1998. In
27 addition each district shall expend three percent (3%) of its student equity and early childhood
28 funds under the provisions of chapter 67 of this title.

29 (b) Funding for full day kindergarten programs in accordance with § 16-7.1-11.1 shall be
30 in addition to funding received under this section.

31 (c) Funding distributed under §§ 16-77.1-2(b) and 16-64-1.1 shall be in addition to
32 funding distributed under this section.

33 (d) There shall be an appropriation to ensure that total aid distributed to communities in
34 ~~FY 2007~~ FY 2008 under this section and §§ 16-7.1-11.1, 16-64-1.1 and 16-77.1-2(b) shall be as

1 follows:

2	Barrington	2,599,526	<u>2,599,526</u>
3	Burrillville	13,779,743	<u>13,539,743</u>
4	Charlestown	2,002,838	<u>2,002,838</u>
5	Coventry	20,075,081	<u>19,955,081</u>
6	Cranston	35,580,911	<u>35,460,911</u>
7	Cumberland	13,257,009	<u>13,257,009</u>
8	East Greenwich	1,949,761	<u>1,844,761</u>
9	East Providence	26,762,254	<u>26,132,254</u>
10	Foster	1,416,463	<u>1,416,463</u>
11	Glocester	3,213,847	<u>3,213,847</u>
12	Hopkinton	6,241,352	<u>6,241,352</u>
13	Jamestown	531,908	<u>531,908</u>
14	Johnston	10,915,364	<u>10,615,364</u>
15	Lincoln	7,403,268	<u>7,283,268</u>
16	Little Compton	368,810	<u>368,810</u>
17	Middletown	10,497,116	<u>10,077,116</u>
18	Narragansett	1,897,159	<u>1,897,159</u>
19	Newport	11,796,080	<u>11,316,080</u>
20	New Shoreham	106,345	<u>106,345</u>
21	North Kingstown	11,986,005	<u>11,986,005</u>
22	North Providence	13,232,872	<u>13,142,872</u>
23	North Smithfield	4,834,237	<u>4,714,237</u>
24	Pawtucket	66,858,559	<u>66,003,559</u>
25	Portsmouth	6,250,042	<u>6,130,042</u>
26	Providence	193,974,756	<u>190,824,756</u>
27	Richmond	6,188,615	<u>6,188,615</u>
28	Scituate	3,407,183	<u>3,407,183</u>
29	Smithfield	5,668,568	<u>5,428,568</u>
30	South Kingstown	10,428,698	<u>10,173,698</u>
31	Tiverton	5,932,058	<u>5,932,058</u>
32	Warwick	37,626,000	<u>37,266,000</u>
33	Westerly	6,843,077	<u>6,843,077</u>
34	West Warwick	20,440,547	<u>20,440,547</u>

1	Woonsocket	47,616,613	<u>47,016,613</u>
2	Bristol-Warren	20,498,190	<u>20,228,190</u>
3	Exeter-West Greenwich	7,661,019	<u>7,256,019</u>
4	Chariho	398,334	<u>398,334</u>
5	Foster-Glocester	5,729,861	<u>5,729,861</u>
6	Central Falls	43,313,036	<u>43,313,036</u>

7 This special provision shall not limit entitlements as determined by application of other
8 formula provisions in this section.

9 (f) Children with disabilities. (1) Based on its review of special education within the
10 context of Rhode Island school reform, the general assembly recommends addressing the needs of
11 all children and preventing disability through scientific research based, as described in the No
12 Child Left Behind Act of 2001, Title 1, Part B, Section 1208 [20 U.S.C. § 6368], reading
13 instruction and the development of Personal Literacy Programs for students in the early grades
14 performing below grade level in reading and implement a system of student accountability that
15 will enable the state to track individual students over time. Additionally, the department of
16 elementary and secondary education must provide districts with rigorous criteria and procedures
17 for identifying students with learning disabilities and speech/language impairments. Additional
18 study is required of factors that influence programming for students with low incidence
19 disabilities; those with disabilities that severely compromise life functions; and programming for
20 students with disabilities through urban special education. Alternatives for funding special
21 education require examination.

22 (2) All departments and agencies of the state shall furnish any advice and information,
23 documentary and otherwise, to the general assembly and its agents that is deemed necessary or
24 desirable by the study to facilitate the purposes of this section.

25 SECTION 3. Section 16-25.3-2 of the General Laws in Chapter 16-25.3 entitled "School
26 Speech and Language Pathologists" is hereby amended to read as follows:

27 **16-25.3-2. Employment of speech language pathologists.** – (a) Each school district is
28 encouraged by the general assembly to employ one full time certified speech language pathologist
29 for every forty (40) students who receive speech language services within the age range of three
30 (3) to twenty-one (21). In cases where the number of students receiving speech language services
31 is above forty (40), the school district is encouraged to employ a speech language pathologist on a
32 part time pro-rata basis.

33 (b) When a speech and language evaluation or the provision of speech language
34 services are being considered or are part of the student's program the speech language pathologist

1 shall be a member of the multidisciplinary team.

2 (c) In the event an individual seeks emergency certification from the department of
3 elementary and secondary education in the area of speech language pathology, the individual
4 must meet the following minimum requirements before the granting of emergency certification by
5 the department of elementary and secondary education:

6 (1) Hold a bachelor's degree in communicative disorders from an accredited college or
7 university;

8 (2) Have successfully completed no less than eighteen (18) hours of graduate credit in
9 the area of speech language pathology.

10 (d) Individuals under emergency certification to conduct the business of a speech
11 language pathologist shall be under the direct supervision of a certified speech language
12 pathologist. At no time shall a certified speech language pathologist supervise more than one
13 emergency certified speech language pathologist.

14 (e) Any licensed speech language pathologist who has met the requirements and
15 acquired a Certificate of Clinical Competence from the American Speech-Language-Hearing
16 Association, and who is employed [full-time](#) by a school district, shall be entitled to receive an
17 annual salary supplement of one thousand seven hundred fifty dollars (\$1,750) [through school](#)
18 [year 2007](#), in addition to any other compensation to which the employee may be entitled.

19 Any licensed speech language pathologist who has met the requirements and acquired a
20 Certificate of Clinical Competence from the American Speech-Language-Hearing Association
21 [and is employed full-time by a school district](#) shall submit documentation to the department of
22 elementary and secondary education, and to the local school district by December 1, in order to
23 be eligible to receive the salary supplement in the next immediate school year, except for the
24 school year 2007, in which documentation shall be submitted to the department of elementary and
25 secondary education and the local school district by October 1 in order to be eligible to receive
26 the salary supplement in that school year. The department of elementary and secondary education
27 shall, within thirty (30) days, notify the school district if the documentation provided by the
28 employee is inadequate to show proof of certification, thereby rendering the employee ineligible
29 for the salary supplement in the next immediate school year; provided, however, that if the
30 employee provides additional information, with fifteen (15) days of notification of ineligibility,
31 verifying certification, that employee shall be entitled to receive the salary supplement in the next
32 immediate school year.

33 (f) Local school districts shall be reimbursed by the state for costs attributable to the
34 salary supplements provided for in this act.

1 SECTION 4. Section 16-25.3-2 of the General Laws in Chapter 16-25.3 entitled "School
2 Speech and Language Pathologists" is hereby amended to read as follows:

3 **16-25.3-2. Employment of speech language pathologists.** -- (a) Each school district is
4 encouraged by the general assembly to employ one full time certified speech language pathologist
5 for every forty (40) students who receive speech language services within the age range of three
6 (3) to twenty-one (21). In cases where the number of students receiving speech language services
7 is above forty (40), the school district is encouraged to employ a speech language pathologist on a
8 part time pro-rata basis.

9 (b) When a speech and language evaluation or the provision of speech language services
10 are being considered or are part of the student's program the speech language pathologist shall be
11 a member of the multidisciplinary team.

12 (c) In the event an individual seeks emergency certification from the department of
13 elementary and secondary education in the area of speech language pathology, the individual
14 must meet the following minimum requirements before the granting of emergency certification by
15 the department of elementary and secondary education:

16 (1) Hold a bachelor's degree in communicative disorders from an accredited college or
17 university;

18 (2) Have successfully completed no less than eighteen (18) hours of graduate credit in
19 the area of speech language pathology.

20 (d) Individuals under emergency certification to conduct the business of a speech
21 language pathologist shall be under the direct supervision of a certified speech language
22 pathologist. At no time shall a certified speech language pathologist supervise more than one
23 emergency certified speech language pathologist.

24 ~~(e) Any licensed speech language pathologist who has met the requirements and~~
25 ~~acquired a Certificate of Clinical Competence from the American Speech Language Hearing~~
26 ~~Association, and who is employed by a school district, shall be entitled to receive an annual~~
27 ~~salary supplement of one thousand seven hundred fifty dollars (\$1,750), in addition to any other~~
28 ~~compensation to which the employee may be entitled.~~

29 ~~Any licensed speech language pathologist who has met the requirements and acquired a~~
30 ~~Certificate of Clinical Competence from the American Speech Language Hearing Association~~
31 ~~shall submit documentation to the department of elementary and secondary education, and to the~~
32 ~~local school district by December 1, in order to be eligible to receive the salary supplement in the~~
33 ~~next immediate school year, except for the school year 2007, in which documentation shall be~~
34 ~~submitted to the department of elementary and secondary education and the local school district~~

1 ~~by October 1 in order to be eligible to receive the salary supplement in that school year. The~~
2 ~~department of elementary and secondary education shall, within thirty (30) days, notify the school~~
3 ~~district if the documentation provided by the employee is inadequate to show proof of~~
4 ~~certification, thereby rendering the employee ineligible for the salary supplement in the next~~
5 ~~immediate school year; provided, however, that if the employee provides additional information,~~
6 ~~with fifteen (15) days of notification of ineligibility, verifying certification, that employee shall~~
7 ~~be entitled to receive the salary supplement in the next immediate school year.~~

8 ~~-(f) Local school districts shall be reimbursed by the state for costs attributable to the~~
9 ~~salary supplements provided for in this act.~~

10 SECTION 5. Chapter 16-47 of the General Laws entitled "Compact for Education" is
11 hereby repealed in its entirety:

12 **16-47-1. Compact.** ~~—The interstate compact for education is enacted into law and~~
13 ~~entered into by this state with all states legally joining in the compact in the form substantially as~~
14 ~~follows:~~

15 **ARTICLE I**

16 **Purpose and Policy**

17 **A.** ~~It is the purpose of this compact to:~~

18 ~~1. Establish and maintain close cooperation and understanding among executive,~~
19 ~~legislative, professional educational and lay leadership on a nationwide basis at the state and local~~
20 ~~levels.~~

21 ~~2. Provide a forum for the discussion, development, crystalization and recommendation~~
22 ~~of public policy alternatives in the field of education.~~

23 ~~3. Provide a clearing house of information on matters relating to educational problems~~
24 ~~and how they are being met in different places throughout the nation, so that the executive and~~
25 ~~legislative branches of state government and of local communities may have ready access to the~~
26 ~~experience and record of the entire country, and so that both lay and professional groups in the~~
27 ~~field of education may have additional avenues for the sharing of experience and the interchange~~
28 ~~of ideas in the formation of public policy in education.~~

29 ~~4. Facilitate the improvement of state and local educational systems so that all of them~~
30 ~~will be able to meet adequate and desirable goals in a society which requires continuous~~
31 ~~qualitative and quantitative advance in educational opportunities, methods and facilities.~~

32 **B.** ~~It is the policy of this compact to encourage and promote local and state initiative in~~
33 ~~the development, maintenance, improvement and administration of educational systems and~~
34 ~~institutions in a manner which will accord with the needs and advantages of diversity among~~

1 ~~localities and states.~~

2 ~~C. The party states recognize that each of them has an interest in the quality and quantity~~
3 ~~of education furnished in each of the other states, as well as in the excellence of its own~~
4 ~~educational systems and institutions, because of the highly mobile character of individuals within~~
5 ~~the nation, and because the products and services contributing to the health, welfare and~~
6 ~~economic advancement of each state are supplied in significant part by persons educated in other~~
7 ~~states.~~

8 ~~ARTICLE II~~

9 ~~State Defined~~

10 ~~As used in the compact, "State" means state, territory, or possession of the United States,~~
11 ~~the District of Columbia, or the Commonwealth of Puerto Rico.~~

12 ~~ARTICLE III~~

13 ~~The Commission~~

14 ~~A. The educational commission of the states, hereinafter called "The commission", is~~
15 ~~hereby established. The commission shall consist of seven (7) members representing each party~~
16 ~~state. One of such members shall be the governor; two (2) shall be members of the state~~
17 ~~legislature selected by its respective houses and serving in such manner as the legislature may~~
18 ~~determine; and four (4) shall be appointed by and serve at the pleasure of the governor, unless the~~
19 ~~laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the~~
20 ~~commission, six (6) members shall be appointed by and serve at the pleasure of the governor,~~
21 ~~unless the laws of the state otherwise provide. In addition to any other principles or requirements~~
22 ~~which a state may establish for the appointment and service of its members of the commission,~~
23 ~~the guiding principle for the composition of the membership on the commission from each party~~
24 ~~state shall be that the members representing such state shall, by virtue of their training,~~
25 ~~experience, knowledge or affiliations be in a position collectively to reflect broadly the interests~~
26 ~~of the state government, higher education, the state education system, local education, lay and~~
27 ~~professional, public and non public educational leadership. Of those appointees, one shall be the~~
28 ~~head of a state agency or institution, designated by the governor, having responsibility for one or~~
29 ~~more programs of public education. In addition to the members of the commission representing~~
30 ~~the party states, there may be not to exceed ten (10) non voting commissioners selected by the~~
31 ~~steering committee for terms of one year. Such commissioners shall represent leading national~~
32 ~~organizations of professional educators or persons concerned with educational administration.~~

33 ~~B. The members of the commission shall be entitled to one vote each on the commission.~~
34 ~~No action of the commission shall be binding unless taken at a meeting at which a majority of the~~

1 ~~total number of votes on the commission are cast in favor thereof. Action of the commission shall~~
2 ~~be only at a meeting at which a majority of the commissioners are present. The commission shall~~
3 ~~meet at least once a year. In its by laws, and subject to such directions and limitations as may be~~
4 ~~contained therein, the commission may delegate the exercise of any of its powers to the steering~~
5 ~~committee or the executive director, except for the power to approve budgets or requests for~~
6 ~~appropriations, the power to make policy recommendations pursuant to article IV and adoption of~~
7 ~~the annual report pursuant to article III (J).~~

8 ~~C. The commission shall have a seal.~~

9 ~~D. The commission shall elect annually, from among its members, a chairperson, who~~
10 ~~shall be a governor, a vice chairperson and a treasurer. The commission shall provide for the~~
11 ~~appointment of an executive director. Such executive director shall serve at the pleasure of the~~
12 ~~commission, and together with the treasurer and such other personnel as the commission may~~
13 ~~deem appropriate shall be bonded in such amount as the commission shall determine. The~~
14 ~~executive director shall be secretary.~~

15 ~~E. Irrespective of the civil service, personnel or other merit system laws of any of the~~
16 ~~party states, the executive director subject to the approval of the steering committee shall appoint,~~
17 ~~remove or discharge such personnel as may be necessary for the performance of the functions of~~
18 ~~the commission, and shall fix the duties and compensation of such personnel. The commission in~~
19 ~~its bylaws shall provide for the personnel policies and programs of the commission.~~

20 ~~F. The commission may borrow, accept or contract for the services of personnel from any~~
21 ~~party jurisdiction, the United States, or any subdivision or agency of the aforementioned~~
22 ~~governments, or from any agency of two (2) or more of the party jurisdictions or their~~
23 ~~subdivisions.~~

24 ~~G. The commission may accept for any of its purposes and functions under this compact~~
25 ~~any and all donations, and grants of money, equipment, supplies, materials and services,~~
26 ~~conditional or otherwise, from any state, the United States, or any other governmental agency, or~~
27 ~~from any person, firm, association, foundation, or corporation, and may receive, utilize and~~
28 ~~dispose of the same. Any donation or grant accepted by the commission pursuant to this~~
29 ~~paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the~~
30 ~~annual report of the commission. Such report shall include the nature, amount and conditions, if~~
31 ~~any, of the donation, grant, or services borrowed, and the identity of the donor or lender.~~

32 ~~H. The commission may establish and maintain such facilities as may be necessary for~~
33 ~~the transacting of its business. The commission may acquire, hold, and convey real and personal~~
34 ~~property and any interest therein.~~

1 ~~I. The commission shall adopt bylaws for the conduct of its business and shall have the~~
2 ~~power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient~~
3 ~~form and shall file a copy thereof and a copy of any amendments thereto, with the appropriate~~
4 ~~agency or officer in each of the party states.~~

5 ~~J. The commission annually shall make to the governor and legislature of each party state~~
6 ~~a report covering the activities of the commission for the preceding year. The commission may~~
7 ~~make such additional reports as it may deem desirable.~~

8 ~~ARTICLE IV~~

9 ~~Powers~~

10 ~~In addition to authority conferred on the commission by other provisions of the compact,~~
11 ~~the commission shall have authority to:~~

12 ~~1. Collect, correlate, analyze and interpret information and data concerning educational~~
13 ~~needs and resources.~~

14 ~~2. Encourage and foster research in all aspects of education, but with special reference to~~
15 ~~the desirable scope of instruction, organization, administration, and instructional methods and~~
16 ~~standards employed or suitable for employment in public educational systems.~~

17 ~~3. Develop proposals for adequate financing of education as a whole and at each of its~~
18 ~~many levels.~~

19 ~~4. Conduct or participate in research of the types referred to in this article in any instance~~
20 ~~where the commission finds that such research is necessary for the advancement of the purposes~~
21 ~~and policies of this compact, utilizing fully the resources of national associations, regional~~
22 ~~compact organizations for higher education, and other agencies and institutions, both public and~~
23 ~~private.~~

24 ~~5. Formulate suggested policies and plans for the improvement of public education as a~~
25 ~~whole, or for any segment thereof, and make recommendations with respect thereto available to~~
26 ~~the appropriate governmental units, agencies and public officials.~~

27 ~~6. Do such other things as may be necessary or incidental to the administration of any of~~
28 ~~its authority or functions pursuant to this compact.~~

29 ~~ARTICLE V~~

30 ~~Cooperation with Federal Government~~

31 ~~A. If the laws of the United States specifically so provide, or if administrative provision~~
32 ~~is made therefore within the federal government, the United States may be represented on the~~
33 ~~commission by not to exceed ten (10) representatives. Any such representative or representatives~~
34 ~~of the United States shall be appointed and serve in such manner as may be provided by or~~

1 ~~pursuant to federal law, and may be drawn from any one or more branches of the federal~~
2 ~~government, but no such representative shall have a vote on the commission.~~

3 ~~B. The commission may provide information and make recommendations to any~~
4 ~~executive or legislative agency or officer of the federal government concerning the common~~
5 ~~educational policies of the states, and may advise with any such agencies or officers concerning~~
6 ~~any matter of mutual interest.~~

7 ~~ARTICLE VI~~

8 ~~Committees~~

9 ~~A. To assist in the expeditious conduct of its business when the full commission is not~~
10 ~~meeting, the commission shall elect a steering committee of thirty (30) members which, subject to~~
11 ~~the provisions of this compact and consistent with the policies of the commission, shall be~~
12 ~~constituted and function as provided in the by laws of the commission. One third (1/3) of the~~
13 ~~voting membership of the steering committee shall consist of governors, and the remainder shall~~
14 ~~consist of other members of the commission. A federal representative on the commission may~~
15 ~~serve with the steering committee, but without vote. The voting members of the steering~~
16 ~~committee shall serve for terms of two (2) years, except that members elected to the first steering~~
17 ~~committee of the commission shall be elected as follows: fifteen (15) for one year and fifteen (15)~~
18 ~~for two (2) years. The chairperson, vice chairperson, and treasurer of the commission shall be~~
19 ~~members of the steering committee and, anything in this paragraph to the contrary~~
20 ~~notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering~~
21 ~~committee shall not affect its authority to act, but the commission at its next regularly ensuing~~
22 ~~meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person~~
23 ~~shall serve more than two (2) terms as a member of the steering committee: provided that service~~
24 ~~for a partial term of one year or less shall not be counted toward the two (2) term limitation.~~

25 ~~B. The commission may establish advisory and technical committees composed of state,~~
26 ~~local, and federal officials, and private persons to advise it with respect to any one or more of its~~
27 ~~functions. Any advisory or technical committee may, on request of the states concerned, be~~
28 ~~established to consider any matter of special concern to two (2) or more of the party states.~~

29 ~~C. The commission may establish such additional committees as its by laws may provide.~~

30 ~~ARTICLE VII~~

31 ~~Finance~~

32 ~~A. The commission shall advise the governor or designated officer or officers of each~~
33 ~~party state of its budget and estimated expenditures for such period as may be required by the~~
34 ~~laws of that party state. Each of the commission's budgets of estimated expenditures shall contain~~

1 ~~specific recommendations of the amount or amounts to be appropriated by each of the party~~
2 ~~states.~~

3 ~~B. The total amount of appropriation requests under any budget shall be apportioned~~
4 ~~among the party states. In making such apportionment, the commission shall devise and employ a~~
5 ~~formula which takes equitable account of the populations and per capita income levels of the~~
6 ~~party states.~~

7 ~~C. The commission shall not pledge the credit of any party states. The commission may~~
8 ~~meet any of its obligations in whole or in part with funds available to it pursuant to article III(G)~~
9 ~~of this compact, provided that the commission takes specific action setting aside such funds prior~~
10 ~~to incurring an obligation to be met in whole or in part in such manner. Except where the~~
11 ~~commission makes use of funds available to it pursuant to article III(G) thereof, the commission~~
12 ~~shall not incur any obligation prior to the allotment of funds by the party states adequate to meet~~
13 ~~the same.~~

14 ~~D. The commission shall keep accurate accounts of all receipts and disbursements. The~~
15 ~~receipts and disbursements of the commission shall be subject to the audit and accounting~~
16 ~~procedures established by its bylaws. However, all receipts and disbursements of funds handled~~
17 ~~by the commission shall be audited yearly by a qualified public accountant, and the report of the~~
18 ~~audit shall be included in and become part of the annual reports of the commission.~~

19 ~~E. The accounts of the commission shall be open at any reasonable time for inspection by~~
20 ~~duly constituted officers of the party states and by any persons authorized by the commission.~~

21 ~~F. Nothing contained herein shall be construed to prevent commission compliance with~~
22 ~~laws relating to audit or inspection of accounts by or on behalf of any government contributing to~~
23 ~~the support of the commission.~~

24 ~~ARTICLE VIII~~

25 ~~Eligible Parties; Entry into and Withdrawal~~

26 ~~A. This compact shall have as eligible parties all states, territories, and possessions of the~~
27 ~~United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any~~
28 ~~such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean~~
29 ~~the closest equivalent official of such jurisdiction.~~

30 ~~B. Any state or other eligible jurisdiction may enter into this compact and it shall become~~
31 ~~binding thereon when it has adopted the same: provided that in order to enter into initial effect,~~
32 ~~adoption by at least ten (10) eligible party jurisdictions shall be required.~~

33 ~~C. Adoption of the compact may be either by enactment thereof or by adherence thereto~~
34 ~~by the governor; provided that in the absence of enactment, adherence by the governor shall be~~

1 ~~sufficient to make his state a party only until December 31, 1967. During any period when a state~~
2 ~~is participating in this compact through gubernatorial action, the governor shall appoint those~~
3 ~~persons who, in addition to himself or herself, shall serve as the members of the commission from~~
4 ~~his or her state, and shall provide to the commission an equitable share of the financial support of~~
5 ~~the commission from any source available to him or her.~~

6 ~~D. Except for a withdrawal effective on December 31, 1967, in accordance with~~
7 ~~paragraph C of this article, any party state may withdraw from this compact by enacting a statute~~
8 ~~repealing the same, but no such withdrawal shall take effect until one year after the governor of~~
9 ~~the withdrawing state has given notice in writing of the withdrawal to the governors of all other~~
10 ~~party states. No withdrawal shall affect any liability already incurred by or chargeable to a party~~
11 ~~state prior to the time of such withdrawal.~~

12 ~~ARTICLE IX~~

13 ~~Construction and Severability~~

14 ~~This compact shall be liberally construed so as to effectuate the purposes thereof. The~~
15 ~~provisions of this compact shall be severable and if any phrase, clause, sentence or provision of~~
16 ~~this compact is declared to be contrary to the constitution of any state or of the United States, or~~
17 ~~the applicability thereof to any government, agency, person or circumstance is held invalid, the~~
18 ~~validity of the remainder of this compact and the applicability thereof to any government, agency,~~
19 ~~person or circumstance shall not be affected thereby. If this compact shall be held contrary to the~~
20 ~~constitution of any state participating therein, the compact shall remain in full force and effect as~~
21 ~~to the state affected as to all severable matters.~~

22 SECTION 6. Section 16-64-1.1 of the General Laws in Chapter 16-64 entitled
23 "Residence of Children for School Purposes" is hereby amended to read as follows:

24 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
25 **foster care, group homes, or other residential facility by a Rhode Island state agency. -- (a)**

26 Children placed in foster care by a Rhode Island licensed child placing agency or a Rhode Island
27 governmental agency shall be entitled to the same free appropriate public education provided to
28 all other residents of the city or town where the child is placed. The city or town shall pay the cost
29 of the education of the child during the time the child is in foster care in the city or town.

30 (b) Children placed by DCYF in a group home or other residential facility that does not
31 include the delivery of educational services are to be educated by the community in which the
32 group home or other residential facility is located, and those children shall be entitled to the same
33 free appropriate public education provided to all other residents of the city or town where the
34 child is placed. For purposes of payment and reimbursement for educational costs under this

1 chapter, the term "group home or other residential facility" shall not include independent living
2 programs. Each city and town that contains one or more group homes or other residential
3 facilities that do not include delivery of educational services will receive funds as part of state aid
4 to education in accordance with the following provisions:

5 (1) On June 30 of each year the DCYF shall provide the department of elementary and
6 secondary education with a precise count of how many group home or other residential facility
7 "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities that do not
8 include the delivery of educational services. The number of "beds" in each group home or other
9 residential facility shall be equal to the maximum number of children that may be placed in that
10 group home or other residential facility on any given night according to the applicable licensure
11 standards of the DCYF. This notification shall also include an estimate of the number of group
12 home beds by city or town that are projected to be licensed by DCYF between July 1 and
13 December 31 of each year. DCYF shall also notify the department of elementary and secondary
14 education of actual increases or decreases in group home beds by city or town as they occur
15 between July 1 and June 30 of each fiscal year.

16 (2) On June 30 of each year the DCYF shall provide the department of elementary and
17 secondary education with a precise count of the total number of students aged three (3) to twenty-
18 one (21) in DCYF care on that date who reside in group homes in the state of Rhode Island, as
19 well as an accurate accounting of the percentage of those children that are eligible for special
20 education and related services pursuant to the Individuals with Disabilities Education Act [20
21 U.S.C. section 1400 et seq.] as of that date;

22 (3) Each city or town shall receive state education aid in an amount equal to the number
23 of group home or other residential facility "beds" in that community multiplied by a per pupil
24 rate, subject to appropriation, intended to reflect the average cost per pupil based on the blend of
25 regular education and special education students in group homes as derived from figures supplied
26 on June 30 of the reference year as defined in section 16-7-16(11). Each city or town shall receive
27 an additional per pupil rate for beds certified by DCYF as licensed between July 1 and December
28 31 of each year. ~~Any city or town may petition the commissioner of elementary and secondary~~
29 ~~education for additional state education aid pursuant to this section in any year in which the total~~
30 ~~number of group home or other residential facility "beds" is increased by more than five (5) in~~
31 ~~any annual cycle.~~ Notwithstanding the provisions of this section or any law to the contrary, the
32 education aid for all group home or other residential facility "beds" located or associated with
33 Bradley Hospital shall be twenty-two thousand dollars (\$22,000) per "bed".

34 (4) In any fiscal year, the education aid received pursuant to section (3) shall be increased

1 or decreased for that fiscal year to account for additional beds certified by DCYF as licensed or
2 for decreases in beds certified by DCYF as licensed. Such increases and decreases shall only
3 result in increases and decreases in aid if certification by DCYF is received prior to December 31
4 of the current fiscal year. The amount of the increase or decrease shall be the per pupil rate for
5 beds pursuant to section (3). Any increase in education aid shall be funded under the
6 supplemental budget and paid to the city, town or regional school district upon passage of the
7 supplemental budget. Any decrease in education aid shall be deducted from the total education
8 aid entitlement for the district for the subsequent fiscal year. Pursuant to this section, any increase
9 in group home beds occurring between January 1 and June 30 of a given fiscal year shall result in
10 an increase in aid for the subsequent fiscal year to be paid as a supplemental appropriation for the
11 subsequent fiscal year. Because of this, increases in beds occurring between January 1 and June
12 30 may be used in the calculation of aid pursuant to section (3) and funded as part of the enacted
13 budget for the subsequent fiscal year at the discretion of the General Assembly. Decreases in beds
14 occurring between January 1 and June 30 shall not result in a decrease in aid for that year, but
15 shall be applied to the number of beds used to calculate aid for the subsequent fiscal year
16 pursuant to section (3).

17 (4) (5) The general assembly shall annually appropriate a sum sufficient to distribute to
18 each city or town the aid required by this subsection based upon the DCYF count provided on
19 June 30 of the reference year as defined in section 16-7-16(11) and that aid shall be distributed by
20 the department of elementary and secondary education. For an appropriation to be made for
21 payments to be made for the 2001-2002 school year the DCYF shall establish a count as required
22 in this subsection upon passage of this legislation [July 5, 2001] This count shall be determined
23 based on the group home and other residential facility "beds" in existence in each community as
24 of December 31 of the preceding year.

25 ~~(5) For fiscal year 2007, aid received pursuant to this section shall be equal to aid~~
26 ~~received in the fiscal year 2006 enacted budget. However, notwithstanding the language in~~
27 ~~subsection 3 limiting requests for additional aid to the year in which facility "beds" have~~
28 ~~increased by more than five (5) in that annual cycle, communities may, pursuant to subsection 3,~~
29 ~~petition in the fiscal year 2007 for additional aid based upon an increase of more than five (5)~~
30 ~~"beds" subsequent to the passage of the fiscal year 2006 budget enacted by the 2005 General~~
31 ~~Assembly.~~

32 (c) Children placed by DCYF in a residential treatment program, group home, or other
33 residential facility, whether or not located in the state of Rhode Island, which includes the
34 delivery of educational services, provided by that facility (excluding facilities where students are

1 taught on grounds for periods of time by teaching staff provided by the school district in which
2 the facility is located), shall have the cost of their education paid for as provided for in subsection
3 (d) of this section and section 16-64-1.2. The city or town determined to be responsible to DCYF
4 for a per-pupil special education cost pursuant to section 16-64-1.2 shall pay its share of the cost
5 of educational services to DCYF or to the facility providing educational services.

6 (d) Children placed by DCYF in group homes, child caring facilities, community
7 residences, or other residential facilities shall have the entire cost of their education paid for by
8 DCYF if:

9 (1) The facility is operated by the state of Rhode Island or the facility has a contract with
10 DCYF to fund a pre-determined number of placements or part of the facility's program;

11 (2) The facility is state-licensed; and

12 (3) The facility operates an approved on-grounds educational program, whether or not
13 the child attends the on-grounds program.

14 SECTION 7. Sections 3 and 5 of this article shall take effect as of July 1, 2006; the
15 remainder of this article shall take effect on July 1, 2007.

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