

Legislative Wrap-Up

2017 Session of the Rhode Island General Assembly

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

Early Learning & Development

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The Child Care Transition Program (cliff effect policy) was made permanent.
- ◆ State Pre-K received a \$1.1 million increase to expand access.
- ◆ Head Start received a \$390,000 increase for state-funded slots.

Evidence-Based Home Visiting: *The Rhode Island Family Home Visiting Act* was amended to require the Rhode Island Department of Health to produce an annual estimate of the number of children born to families that face significant risk factors known to impair child development as well as a funding plan to gradually expand evidence-based home visiting programs to serve all vulnerable families.

Early Intervention: A resolution establishing a 24-member commission to study the challenges and service gaps for infants and toddlers who are deaf or hard of hearing passed. Findings and recommendations are due to the General Assembly on or before February 1, 2018.

Child Care Assistance Program: The Child Care Transition Program (cliff effect policy) was made permanent. Established as a pilot program in 2013, this policy allows low-income families receiving a child care subsidy to retain eligibility as family income grows above 180% FPL up to 225% FPL. Family co-payments for child care increase as income increases.

Tiered Child Care Quality Rates: The FY 2018 budget did not include \$1 million for quality child care rate enhancements to incentivize quality improvements for child care programs serving infants and toddlers, as proposed by the Governor. Legislation that would have expanded on the Governor's proposal by establishing tiered child care quality rates for all age groups in the Child Care Assistance Program also did not pass.

State Pre-K Program: The FY 2018 budget includes a \$1.1 million increase for the Rhode Island State Pre-K program bringing total state funding to \$6.2 million. Combined with \$6 million in federal funds, the State Pre-K program is providing high-quality early education to 1,080 four-year-old children in 2017-2018.

Head Start: The FY 2018 budget includes a \$390,000 increase to support Head Start, bringing the total state funding for Head Start to \$1.2 million. This funding provides high-quality early education to 130 low-income three- and four-year-old children in addition to the 2,000 who are served through federal funding.

Kindergarten Entry Profile: Funding to implement a kindergarten entry profile was not included in the FY 2018 budget.

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

Economic Well-Being

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The minimum wage increases to \$10.10 per hour as of January 1, 2018 and \$10.50 per hour as of January 1, 2019.
- ◆ Earned sick leave legislation provides five days of sick time for employees to care for their own or a family member's health, safety, and well-being.

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

Incarcerated Parents: The FY 2018 budget includes \$300,000 to fund a Pay for Success program within the Department of Corrections designed to increase employment and reduce recidivism among formerly incarcerated individuals.

Minimum Wage: The General Assembly approved an incremental increase in the minimum wage over two years from \$9.60 per hour to \$10.10 per hour, effective January 1, 2018 and to \$10.50 per hour, effective January 1, 2019.

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

Earned Sick Leave: *The Healthy and Safe Families and Workplaces Act* passed. It requires employers with 18 or more employees to provide annual paid sick and safe leave time for an employee's or an employee's family member's illness, preventive care, or health treatment. This time can also be used for safety reasons when needed by the employee or a member of the employee's family who is a victim of domestic violence, sexual assault, or stalking. The *Act* has a phase-in period, beginning in July 2018, with three days in calendar year 2018, four days in calendar year 2019, and five days thereafter. Rhode Island is the eighth state to enact earned sick leave legislation.

Child Support: Legislation passed that allows the Office of Child Support Services to automatically file a motion to modify or a motion for relief when a noncustodial parent is or will be incarcerated for 180 days or more. The Rhode Island Family Court must consider the noncustodial parent's ability to pay child support (e.g., assets, financial resources, benefits and length of sentence) and modify or suspend the child support order as appropriate. This bill also clarifies that incarceration may not be considered by the court as "voluntary unemployment."

Unified Health Infrastructure Project (UHIP): The FY 2018 budget includes \$21.1 million in federal, general revenue, and Information Technology Investment funds for UHIP, the state's integrated benefits eligibility system for public assistance. The budget also adds 143.0 FTE positions (permanent and temporary) related to the UHIP project.

Education

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The Rhode Island Promise Scholarship passed and will cover the cost of two years of tuition and fees at the Community College of Rhode Island for eligible students.
- ◆ Education funding through the funding formula (including Pre-K) was increased.
- ◆ The categorical fund in the education funding formula that was created last year to support the education of English Language Learners was made permanent.

Education Funding Formula: The seventh year of the education funding formula was fully funded for FY 2018, with an additional \$46.0 million over FY 2017. Funding includes an additional \$1.1 million for the State Pre-K program and \$460,000 to regional districts to transport students within district. It also includes \$900,000 in density aid to the seven communities that have more than 5% of their students attending schools of choice, including charter schools, Davies Career and Technical High School (Davies), and The Metropolitan Regional Career and Technical Center (The MET); \$6.8 million for Central Falls School District stabilization; \$3.2 million for Davies stabilization; \$800,000 for stabilization of The MET; and \$4.1 million for aid to districts hosting group homes.

English Language Learners: Article 18 of the FY 2018 budget makes permanent the English Language Learner (ELL) categorical fund in the state's education funding formula which passed as a pilot last year and provides \$2.5 million in categorical funds to local districts to support evidence-based ELL programs during FY 2018.

Special Education: Article 12 of the FY 2018 budget requires the Rhode Island Department of Education to collect data on high-cost special education, including costs that exceed two and three times the core foundation amount, as well as four times as was previously required.

Transportation: Article 12 of the FY 2018 budget also amends the transportation categorical fund to separate out aid for costs associated with transporting students to out-of-district non-public schools and for costs associated with transporting students within regional school districts.

School Construction Aid: The FY 2018 budget includes \$80 million (consistent with the FY 2017 allocation) to fund the projected cost of school construction aid to local districts, including \$70.9 million for school housing aid and \$9.1 million for the School Building Authority Capital Fund that was established last year.

SAT/PSAT: The FY 2018 budget includes \$633,600 (\$500,000 in general revenues and \$133,600 in federal funds) to enable all students in public high schools to take the PSAT and SAT during the school day at no cost.

Advanced Coursework Network: The FY 2018 budget includes \$550,000 (\$300,000 from permanent school funds and \$250,000 from general revenue) to support the Advanced Coursework Network, a program that helps middle and high school students access personalized, advanced coursework opportunities that may not be available at their school.

Dual Enrollment: The FY 2018 budget includes \$1.3 million for Prepare RI, a dual enrollment initiative that allows qualified students to earn credit at their high school and at state public higher education institutions, at no cost to students or families. Article 18 of the FY 2018 budget limits payments to the public higher education institutions for dual and concurrent enrollment to the amount appropriated and requires the Council on Postsecondary Education to develop rules and regulations for enforcing this limit.

P-TECH: The FY 2018 budget eliminates \$1.2 million in funding for the Pathways in Technology Early College High School (P-TECH) program, which supports partnerships among high schools, colleges, and businesses and allows students to get both high school diplomas and associate's degrees in five or six years while participating in mentorships and internships that will prepare them for employment.

Computer Science Education: The FY 2018 budget includes \$210,000 to provide computer science education in every public school.

Virtual Education: Legislation passed that allows school districts to submit virtual education policies to the Rhode Island Department of Education describing how they will conduct virtual education when schools are closed due to weather or other emergencies.

Child Opportunity Zones: Legislation passed that defines the purpose of Child Opportunity Zones (COZs), Rhode Island's community school initiative, and requires that the Rhode Island Department of Education submit an annual report to the General Assembly that includes the number of children and families served by each COZ and the outcomes they achieve.

Data Collection and Reporting: The *All Students Count Act* passed that requires the Rhode Island Department of Education to collect and report data on specific Asian ethnic subgroups in reports it produces on educational achievement, attendance, access to educational resources, and graduation rates. Where there are fewer than 10 students, data can be suppressed for confidentiality but should be noted.

Substance Abuse Education and Suicide Prevention: Legislation passed that requires the Rhode Island Department of Education to consider incorporating substance abuse education and suicide prevention into the health education curriculum after consulting with the Department of Behavioral Health, Developmental Disabilities, and Hospitals.

Media Literacy: Legislation passed that requires the Rhode Island Department of Education to consider incorporating media literacy into the state's Basic Education Plan.

Children with Disabilities: Legislation passed that requires a student's school district to continue paying for post-secondary and transitional education programs that students are already enrolled in at age 21 through the conclusion of the program or academic year.

RI Promise Scholarship: Article 3 of the FY 2018 budget creates the RI Promise Scholarship program which covers the cost of two years of tuition and mandatory fees at the Community College of Rhode Island for qualifying Rhode Island students, after federal and other available financial aid funds are used. Qualifying students must have completed their high school diploma or equivalency before reaching age 19 and have completed the FAFSA. Students must enroll full time the fall after graduating from high school. Recipients must maintain a 2.5 grade point average or better and commit to staying in Rhode Island after graduation to live, work, or continue their education. The program will be implemented for four cohorts of students, beginning in fall 2017. An evaluation of the program will be conducted once the second cohort completes two years of college. For FY 2018, this program provides \$2.8 million for scholarships at CCRI. A provision that would have allowed students to choose an alternative option of covering the costs of years three and four of their bachelors degree at Rhode Island College or the University of Rhode Island was not included.

Last Dollar Scholarship: The FY 2018 budget includes \$10.1 million from tuition savings fees and federal loan reserve funds to support the Last Dollar Scholarship program to allow students with proven academic performance and financial need to attend one of Rhode Island's public higher education institutions.

Higher Education Funding: The FY 2018 budget includes tuition increases of 7.0% for in-state tuition and 4.0% for out-of-state tuition at the University of Rhode Island; 6.9% for in-state tuition and ~~5.0%~~ for out-of-state tuition at Rhode Island College; and 7.0% for students at the Community College of Rhode Island.

RI Wavemaker Fund: The FY 2018 budget reduces by \$800,000 funding to support the RI Wavemaker Fund, a competitive student loan reimbursement program for college and university graduates working in science, technology, engineering, and mathematics (STEM) fields.

In-State Tuition: Legislation did not pass that would have put into law the regulations that allow undocumented students who have attended a Rhode Island high school for at least three years, graduated from high school, been admitted to college, and agreed to take steps to legalize their immigration status to pay the same tuition and fees as Rhode Island residents at the state's public higher education institutions.

Health

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ E-cigarettes are now prohibited from being used in schools.
- ◆ Legislation passed that prohibits licensed health care providers from practicing conversion therapy related to sexual orientation and/or gender identity for children.

Rlte Care/Medicaid: The FY 2018 budget preserves current Rlte Care eligibility and benefits. It also increases the Children's Health Account assessment charged to commercial insurers for services provided to children with special health care needs from \$7,500 to \$12,500 per child, as proposed by the Governor. The FY 2018 budget also improves claiming of enhanced federal funds attributed to the managed care performance goal program and for specific populations, including pregnant women, children, and youth age 18 to 21. Proposals to reform oral surgery payments or create a pediatric home asthma response program were not included as they were withdrawn by the Governor.

Lead Poisoning: The FY 2018 budget does not include Article 22 as proposed by the Governor, which would have centralized lead poisoning prevention and funding under the RI Department of Health, mandated lead inspections for pre-1978 owner-occupied rental properties, and eliminated the lead inspection requirement for foster home licensure.

Cigarette Tax: The FY 2018 budget increases the cigarette tax by \$0.50, from \$3.75 to \$4.25 per pack, which is estimated to raise an additional \$7.5 million in revenue. The final budget does not allocate \$500,000 of increased cigarette tax revenue for tobacco cessation or \$2.5 million for an Outdoor Recreation Investment fund as proposed by the Governor.

Safety

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Legislation passed to expand the Crime Victims Compensation Program to include minors.
- ◆ Legislation passed requiring any individual subject to a protective order to surrender his or her guns within 24 hours of being notified.

E-Cigarettes: Legislation passed that prohibits the use of e-cigarettes in schools and require the sale of liquid nicotine for such devices to be enclosed in child resistant packaging. Legislation did not pass that would have restricted the use of e-cigarettes in enclosed public places and places of employment.

Conversion Therapy: The *Prevention of Conversion Therapy for Children Act* passed that prohibits licensed health care providers from practicing conversion therapy related to sexual orientation and/or gender identity for children under age eighteen.

Mental Health: The Senate passed a resolution requesting that the Executive Office of Health and Human Services examine policies and make recommendations on improving the quality of mental health services, including those relating to maternal depression and early childhood mental health.

ACA Health Insurance Regulations: The *2017 Market Stabilization and Consumer Protection Act* that would have codified provisions of the *Affordable Care Act* into state law did not pass, including regulations about Essential Health Benefits, allowing dependents to stay on their parent's plan up to age 26, and guaranteeing coverage for those with pre-existing conditions. The Senate passed a resolution establishing a Senate Special Commission to assess and make recommendation on health insurance issues related to consumer protection, choice, affordability, quality, and market stability.

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

Breastfeeding: Legislation did not pass that would have created an enforcement process for the right to breastfeed at work and required all schools to provide reasonable accommodations for student mothers who are breastfeeding.

School Marketing: The *Health and Safety of Pupils - Food and Beverages Act* did not pass that would have prohibited the advertising of unhealthy food and beverage products in schools.

DCYF Budget: The Rhode Island Department of Children, Youth and Families (DCYF) FY 2018 budget reflects \$7.4 million dollars less than the FY 2017 final budget and shifts 13.0 FTE positions from DCYF, 12.0 to the Rhode Island Executive Office of Health and Human Services and 1.0 to the Office of the Governor.

Office of the Child Advocate (OCA) Budget: The FY 2018 budget adds 1.0 FTE position to OCA for a Case Management Coordinator.

Crime Victims Compensation Program (CVCP) Expansion: The *Criminal Injuries Compensation Act* passed to expand the CVCP to include reimbursement for expenses related to psychiatric care and mental health counseling up to \$1,500 per minor victim who witnesses homicide or domestic violence.

Domestic Violence Offenders and Weapons: The *Protect Rhode Island Families Act* passed requiring any individual subject to a protective or restraining order to surrender his or her guns within 24 hours of being notified by the Court.

Grandparent Rights: Legislation passed establishing guidelines for the Rhode Island Family Court to use to decide petitions for visitation by grandparents based on a best interest of the grandchild standard.

Domestic Abuse Prevention: Legislation passed which adds the definition of "sexual exploitation" in the domestic abuse prevention law to include acts by any person who knowingly or willfully encourages, aids, or coerces any child under the age of eighteen years to engage in commercial sex acts.

Youth Protection Act: Legislation passed requiring any person who provides volunteer services with youth serving agencies to get a national criminal records check.

Fiscal Year 2018 Budget

Child Restraint Systems: Legislation passed that requires infants and toddlers under two years of age or weighing less than thirty pounds to be restrained in rear-facing car seats.

Infants Affected by Substance Abuse: Legislation passed requiring physicians or certified registered nurse practitioners involved in the delivery and care of infants to report cases of infants identified as being affected by substance abuse to the Department of Children, Youth and Families.

Sexual Offender Registration and Community

Notification: Legislation passed requiring local law enforcement to share information with local school departments for the purpose of notifying parents of students whose bus stops are within 1,000 feet of the residence of a level three sex offender.

Extension of Foster Care: Legislation did not pass that would have extended foster care services and supports for youth to age 21.

Least Restrictive Placement: Legislation did not pass that would have created a process within DCYF for placing children in the least restrictive placement including kinship and foster care.

Juvenile Life without Parole: Legislation did not pass that would have banned life without parole sentences for those who commit offenses while under age 18.

Gun Safety: The General Assembly did not pass legislation that would have banned the sale and possession of assault weapons and magazines holding more than ten rounds of ammunition and limited carrying of firearms on school grounds to peace officers.

The Rhode Island General Assembly enacted a FY 2018 budget in the amount of \$9.2 billion. The budget consists of \$3.8 billion in state general revenue, \$3.1 billion in federal funds, \$261.7 million in restricted receipts, and \$2.1 billion in other funds. The budget includes an unspecified statewide savings of \$25.0 million in general revenue to be distributed among state agencies.



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