



Legislative Wrap-Up

2011 SESSION OF THE RHODE ISLAND GENERAL ASSEMBLY

Selected laws and budget appropriations affecting children in the areas of economic well-being, health, safety, child care and early childhood education, and K-16 education.

ECONOMIC WELL-BEING

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Expands eligible work activities for families receiving RI Works cash assistance so more parents can access education and training.
- ◆ Creates a Low-Income Home Energy Assistance Program (LIHEAP) Enhancement Plan that will subsidize the utility costs of low-income households.

Rhode Island Works Program (RI Works): Eligible work activities for families receiving RI Works cash assistance were expanded from a “work first” emphasis to also include helping parents prepare for employment in line with career objectives. More participants will now be able to enroll in adult education, vocational education or other training programs deemed necessary to support employment. An amendment proposing to eliminate the periodic time limit of no more than 24 months of assistance in any 60-month period did not pass. The budget also includes federal TANF funds to hire six additional social workers for the program, which has been chronically understaffed.

Supplemental Nutrition Assistance Program (SNAP): The budget restored \$100,000 in state funds to support the SNAP Outreach Program at the University

of Rhode Island that helps low-income individuals and families access food assistance.

Child Support: Legislation passed that would allow the court to re-establish child support that has been terminated, suspended or expired if the child has a severe physical or mental impairment.

Utilities Assistance: Legislation passed that creates a Low-Income Home Energy Assistance Program (LIHEAP) Enhancement Plan to subsidize the utility costs of low-income households. The Enhancement Plan is funded by small surcharges to electric and gas customers. This legislation also prohibits utility companies from terminating service to low-income households with outstanding bills of \$300 or less that are not more than two months in arrears.

Neighborhood Opportunities Program: The General Assembly cut \$1.5 million in funding for the Neighborhood Opportunities Program which addresses the housing needs of low-income families and individuals with disabilities. Rhode Island Housing was asked to provide these funds from its own resources.

Interagency Council on Homelessness: Legislation passed that creates a permanent Interagency Council on Homelessness comprised of the directors of key public agencies. The Council will seek strategies to end homelessness and provide regular reports to the Governor and General Assembly.

HEALTH

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Maintains income eligibility for RIte Care at 175% of the federal poverty level (FPL) for parents and 250% FPL for children.
- ◆ Increases Children's Health Account annual per child maximum payment.

RIte Care Eligibility for Children and Parents:

Eligibility levels for RIte Care were maintained at 175% of the FPL for parents and 250% of the FPL for children.

RIte Care and RIte Share Premiums: The monthly premiums for families with incomes between 150% - 250% FPL who have health coverage through RIte Care or RIte Share are proposed to be increased to 5% of income. Starting October 1, 2011, families currently paying \$61 would pay \$91, those currently paying \$77 would pay \$113 and those currently paying \$92 would pay \$122.

Children's Health Account: Legislation passed that requires all commercial insurers to pay a maximum of \$7,500 (up from \$6,000) per child for each of the following services: home health services; Child and Adolescent Intensive Treatment Services (CAITS); and Comprehensive Evaluation Diagnosis Assessment Referral and Re-Evaluation Services (CEDARRS), including CEDARR Family Center Services, Home Based Therapeutic Services (HBTS), Personal Assistance Services and Supports (PASS) and Kids Connect (therapeutic child care) services.

Coverage for Treatment for Children with Autism:

Legislation passed that will require commercial insurance coverage for the diagnosis and treatment of autism spectrum disorders, including behavioral therapies that have proven effective. This mandate will apply to children up to age 15 starting on January 1, 2012. The legislation exempts small group coverage and direct pay health plans from the mandate, so it will not apply to children with those kinds of coverage.

Health Insurance Exchange: Legislation that would have established a Rhode Island Health Benefits Exchange did not pass. An Exchange will now be established via an Executive Order by the Governor.

SAFETY

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Authorizes electronic monitoring for youth who would otherwise be detained at or sentenced to the Rhode Island Training School.
- ◆ Relocates female residents of the Rhode Island Training School from the Mathias building into the Youth Development Center.
- ◆ Grants adult adoptees over age 25 access to their birth certificates.

RI Department of Children, Youth and Families

(DCYF) Budget: The enacted FY12 budget for DCYF is \$211 million, a reduction of \$26.5 million from the previous year's enacted budget.

Family Court Petitions: State budget Article 17 eliminates the requirement that DCYF "shall file a petition in Family Court for an order for the provision of treatment of the family and the child" in the event that an investigation reveals that a child had been abused or neglected but that the circumstances do not require the removal of the child for his or her protection. Instead, the new language states that DCYF "may provide the family and child with access to preventative support and services."

Criteria for DCYF to Remove a Child from the

Home: State budget Article 17 includes changes in the criteria for removing a child from his or her home if an investigation reveals abuse or neglect. Previously, DCYF was obligated to petition the Family Court for removal of the child from the care and custody of the parents, or any other person having custody or care of the child "in cases where it is felt that a particular child has suffered abuse or neglect and that continued care and custody by that person might result in further harm to the child." These criteria have been changed to state that removal is warranted "if there is a determination that a child has been abused or neglected; which results in a child death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act which represents an imminent risk of serious harm."

Second Degree Child Abuse Definition: Legislation passed amending the definition of second degree child abuse to eliminate the word "serious" from the current language of "any caregiver who knowingly or

intentionally inflicts upon a child any other serious physical injury." This bill was proposed by the Attorney General's office to make it easier to prosecute certain cases of child abuse and to better distinguish between first and second degree child abuse.

Electronic Monitoring of Youth: State budget Article 17 allows the Family Court to authorize the use of radio frequency identification and global positioning devices for youth placed on community confinement. The use of these devices is limited to youth who would otherwise be detained or sentenced to the Rhode Island Training School and is limited to a maximum of 60 days for non-adjudicated youth and 90 days for adjudicated youth.

Females at the Training School: The budget includes a plan to move the female population of the Rhode Island Training School from the outdated Mathias building into a pod at the Youth Development Center where their needs can be more appropriately met.

Hearings at Family Court: Legislation did not pass that would have given foster parents, pre-adoptive parents or relatives providing care for a child the right to attend hearings with respect to the child, file reports with the court and receive verbal and written notice of the results of the hearing.

Domestic Relations Cases: Legislation did not pass that would have required judges to consider abuse toward a parent as contrary to the best interests of a child in domestic relations cases.

Superior Court Jurisdiction: A bill did not pass that would have granted exclusive jurisdiction to the Superior Court for offenses resulting in cruelty to or neglect of a child.

Adoptee Birth Certificate Access: Legislation passed that gives adult adoptees (25 years of age and older) access to their original birth certificates. Previously, when a child was adopted in Rhode Island, their original birth certificate was sealed after the final adoption decree was made, preventing the adoptee from ever obtaining a copy of the original document.

Licensing Violation Information: Legislation did not pass that would have enabled DCYF to share with the public on-line information about child care licensing compliance violations and substantiated instances of child abuse and neglect at child care facilities.

EARLY LEARNING

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Maintains eligibility requirements for subsidized child care to children in families who earn at or below 180% of the federal poverty level.
- ◆ Head Start continues to receive \$800,000 in state funding as well as an additional \$200,000 in state-directed federal funding.

Child Care Subsidy Eligibility and Reimbursement Rates: The enacted FY12 budget maintains the current income eligibility requirement for subsidized child care to children in families who earn at or below 180% of the FPL (\$33,354 for a family of three in 2011). Reimbursement rates for child care providers serving children in the state subsidy program were maintained at the average of the 2002 and 2004 market rates. Legislation did not pass that would have allowed families currently enrolled in the program to remain eligible when their income increases up to 225% of the FPL (\$41,693 for a family of three in 2011) and child care is necessary for them to maintain employment.

State Pre-Kindergarten Program: The General Assembly did not include categorical funding (part of the state education funding formula) to expand and sustain the State Pre-Kindergarten Program in the FY12 budget. The State Pre-Kindergarten program, currently serving 126 children per year in four urban communities, has been recognized as one of only five programs nationally that meet recommended quality benchmarks. While the General Assembly decided not to fund three of the funding formula's categorical programs – State Pre-Kindergarten, high-cost special education, or career and technical education – it did fund transportation and regionalization bonuses.

Head Start: State funding of \$800,000 per year for Head Start will continue for FY12 along with another \$200,000 in state-directed federal funding for Head Start. This will support the 156 state-funded slots for preschoolers from low-income families.

Full-Day Kindergarten: Legislation did not pass that would have required school districts to offer full-day kindergarten.



EDUCATION

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Implements new funding formula and provides an additional \$17.6 million in state education to school districts and state schools.
- ◆ Allocates an additional \$4 million in state funding for public higher education.
- ◆ Increases the compulsory school attendance age from age 16 to age 18.

State Aid to Education: The General Assembly provided \$708 million in state education aid to school districts and state schools for FY12. State aid for education was increased by \$17.6 million from FY11.

Education Funding Formula: The General Assembly funded the first year of the new education funding formula enacted during the 2010 General Assembly session which is based on student enrollment data and participation in free and reduced-price meal data, providing \$17.6 million in additional education funding. The General Assembly funded two of the funding formula's five categorical programs, transportation and regionalization bonuses, and did not fund the State Pre-Kindergarten Program, high-cost special education or career and technical education.

Higher Education Funding: The FY12 budget allocates an additional \$4 million for public higher education over the previous year.

Dropout Prevention: The General Assembly passed legislation that increases the compulsory school attendance age in Rhode Island from age 16 to age 18 and allows the waiver of the compulsory attendance requirement for students over age 16 who are involved with an alternative learning plan.

School Housing Aid: The General Assembly instituted a moratorium on school construction projects for the period between June 30, 2011 and June 30, 2014 with exceptions for projects that are necessary for health and safety reasons. Legislation did not pass that would have changed the formula for reimbursing public charter schools for housing costs so that these schools receive the same access to housing aid reimbursement that the other public schools receive.

School Safety: The General Assembly enacted legislation that requires the Rhode Island Department of Elementary and Secondary Education to develop a statewide anti-bullying policy that prohibits bullying, cyber-bullying and retaliation at school and describes victim protections, disciplinary actions and strategies for engaging families.

Recovery High Schools: Legislation passed that authorizes the establishment of a pilot "Recovery High School" to serve students with substance use disorders.

Family Engagement: Legislation was enacted that establishes a statewide Family Engagement Advisory Council to advise the Governor, the Rhode Island Department of Elementary and Secondary Education, the Board of Regents and school districts about how to foster family-school partnerships.

Expanded Learning Time: Legislation did not pass that would have created a high-quality after school and summer learning demonstration project based on recommendations from the Rhode Island Department of Elementary and Secondary Education.

Career and Technical Education: Legislation passed that requires the Rhode Island Department of Elementary and Secondary Education to promulgate regulations related to career and technical education.

In-state Tuition for Youth who are Undocumented: The General Assembly did not pass a bill that would allow undocumented Rhode Island high school graduates who have been admitted to a Rhode Island public higher education institution and meet certain residency requirements to pay in-state tuition and fees at public higher education institutions in Rhode Island.



FISCAL YEAR 2012 BUDGET

The Rhode Island General Assembly enacted a FY12 budget in the amount of \$7.7 billion. The Rhode Island General Assembly had to close a budget deficit of an estimated \$295 million for FY12. \$3.1 billion of the budget is state general revenue, \$2.6 billion is federal funds, \$189 million is restricted receipts, and \$1.8 billion is other funds.

2011 Rhode Island KIDS COUNT Legislative Wrap-Up



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