



Legislative Wrap-Up

2022 Session of the Rhode Island General Assembly

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

Economic Well-Being

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Driving privilege cards and permits granted for undocumented Rhode Islanders.
- ◆ \$250 million in *ARPA* funds committed for affordable housing and addressing homelessness.
- ◆ Improvements to the Rhode Island Works program, including extending the lifetime limit, allowing parents to keep more of their earnings, increasing the asset limit, and providing parents more access to education.
- ◆ Funding for a pilot program that will promote healthy food access and nutrition among SNAP recipients.

Rhode Island Works: The FY 2023 budget includes improvements to the Rhode Island Works program. It extends the lifetime limit from 48 to 60 months, amends the work requirements to allow a parent to attend the Community College of Rhode Island for two years, increases the earnings disregard from \$170 to \$300 a month, increases the asset limit from \$1,000 to \$5,000 so families can have savings and build a financial safety net, and excludes all state and federal tax returns and tax rebates from income eligibility.

SNAP: The FY 2023 budget includes \$11.5 million to establish a pilot program that will promote healthy food access and nutrition among Rhode Island SNAP recipients by providing a \$.50 reimbursement for each \$1 spent on eligible fruits and vegetables.

Rhode Island Community Food Bank: The FY 2023 budget includes \$450,000, an increase of \$100,000 over FY 2022, for the Rhode Island Community Food Bank.

Driver's Privilege Cards and Permits for Undocumented Immigrants: Legislation passed that allows the Division of Motor Vehicles to issue driving privilege cards and permits to undocumented Rhode Islanders who have filed personal income tax returns in Rhode Island or are a dependent of a Rhode Island resident who has. This legislation specifies that it does not confer the right to vote in Rhode Island.

ARPA Funding for Affordable Housing and Homelessness: The FY 2023 budget includes \$250 million in *American Rescue Plan Act* (*ARPA*) funds for affordable housing development, expanded homeownership opportunities, and support for people experiencing homelessness.

Housing: The General Assembly passed a package of 10 bills designed to address the state's housing crisis including legislation updating the Low and Moderate Income Housing Act and streamlining the approval of the construction of low and moderate income housing, elevating the position of Deputy Secretary of Commerce for Housing to Secretary of Housing and creating a new Department of Housing, allowing the repurposing of school buildings for affordable housing, revising the definition of an accessory dwelling unit and removing the requirement that such units be occupied by a relative, and requiring improved data on affordable housing developments and Section 8 Housing Choice vouchers.

Eviction Protections: Legislation did not pass that would have provided for the sealing and unsealing of court files in residential eviction proceedings and provided that evictions for nonpayment of rent remain sealed permanently if the tenant's rent arrearage is paid through a rental relief program.

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

Earned Income Tax Credit (EITC): Legislation did not pass that would have increased the State Earned Income Tax Credit (EITC) from 15% to a higher percentage of the federal EITC that is more in line with neighboring states.

Child Tax Rebate: The FY 2023 budget includes child tax rebates of \$250 per child for up to three children for Rhode Island residents making up to \$100,000 for an individual and \$200,000 for joint filers.

Early Learning & Development

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Increases rates and expands eligibility for the Child Care Assistance Program (CCAP).
- ◆ Provides a permanent rate increase for Early Intervention to address workforce crisis and resulting waiting list, the first rate increase in 20 years.
- ◆ Provides a temporary rate increase for First Connections to continue Child Find services and help families with newborns connect to essential services.
- ◆ Continues and expands investments in early educator workforce development and improved compensation for early educators across early childhood programs.

***Child Care Assistance Program (CCAP):** The FY 2023 budget increases the CCAP family income eligibility at entrance from 180% to 200% FPL and increases family income eligibility at exit from 225% to 300% FPL, makes CCAP eligibility for low-income college students enrolled at Rhode Island public higher education institution permanent, maintains the 7% cap on family copayments, increases provider rates for all ages of children enrolled in licensed child care centers, and ensures that rates for programs at the 4- and 5-star quality levels meet or exceed the federal equal access standard.

Child Care & Early Learning Supply & Quality: The FY 2023 budget allocates Preschool Development Grant funds for a child care licensing information technology system, allocates ARPA funds to provide start-up grants to incentivize people to open and license new family child care homes and provide

quality improvement grants to licensed child care centers and family child care homes, and adds child care centers and public recreational centers to existing Rhode Island Health and Educational Building Corporation law that helps municipalities finance public health and education facilities.

***Early Educator Investment:** Legislation passed requiring a state plan to prepare, recruit, and retain a highly qualified early childhood workforce, including adequate wages for early childhood educators regardless of setting. The FY 2023 budget allocates ARPA funds for a second year of retention bonuses for educators and direct care staff at licensed child care centers and family child care homes, to expand RI's T.E.A.C.H. Early Childhood workforce development model to help more early educators earn postsecondary credentials and degrees, and to develop an early educator workforce registry.

***Early Intervention (EI):** The FY 2023 budget provides a permanent 45% Medicaid rate increase for Early Intervention. This rate increase will help the 60% of children receiving EI services who have Medicaid health insurance coverage and will also result in rate increases from commercial health insurance providers. The budget also allocates \$5.5 million in ARPA funding for Early Intervention Recovery to provide relief to Early Intervention providers in response to a decline in enrollment and provide performance bonuses for providers who hit certain targets.

***First Connections Family Home Visiting:** The FY 2023 budget provides a temporary Medicaid rate increase for the First Connections Home Visiting Program to help the program raise wages to recruit and retain staff. First Connections is the mandatory Child Find program for Early Intervention and helps families with newborns connect to essential services and resources.

RI Pre-K and Head Start: The FY 2023 budget provides level state funding for RI Pre-K and state-funded Head Start for the 2022-2023 school year to maintain existing classrooms and seats and amends the *Rhode Island Pre-K Act* to require state agencies to develop a plan to expand the RI Pre-K program to serve 5,000 children ages 3 and 4 within five years with expansion beginning in FY 2024 and provides recommendations for achieving universal access to Pre-K for all children ages 3 and 4 while ensuring that infant and toddler care is not at risk as Pre-K is expanded.

Early Childhood Governance: The FY 2023 budget establishes an Early Childhood Governance Working Group that will be convened by the chair of the Children's Cabinet to develop recommendations regarding the coordination, governance, structure, administration, and financing of early childhood programs and the implementation of early childhood data systems. The RI Early Learning Council will serve as the advisory body to the Working Group. The FY

2023 budget allocates \$250,000 from general revenues to the Children's Cabinet to support this work.

Education

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Trauma-informed practices to be implemented in all public schools.
- ◆ Data on SROs and school-based arrests to be collected and publicly reported by RIDE.
- ◆ High school students who receive the Silver or Gold Seal of Biliteracy will be able to earn college credit toward a minor or major degree in a world language.
- ◆ All public schools must provide at least one unit of instruction on Asian American, Native Hawaiian and Pacific Islander history and culture.
- ◆ The twelfth year of the education funding formula was fully funded.

Education Funding Formula: The twelfth year of the education funding formula was fully funded for FY 2023, with an additional \$17.0 million in general revenue over FY 2022. The budget includes \$14.9 million for the RI Pre-K program, \$9.3 million for transportation, \$5.0 million for Multilingual Learners, \$4.5 million for high-cost special education, and \$4.5 million for career and technical education. All allocations are consistent with the FY 2022 budget, except transportation which is \$1.6 million higher. The FY 2023 budget includes a requirement that RIDE develop a poverty measure that does not rely on school nutrition program data for calculation of the student success factor that is used to determine education funding for districts. Legislation did not pass that would have expanded the student success factor of the education funding formula to include Multilingual Learners or increased the weight of the student success factor.

School Housing Aid: The FY 2023 budget includes \$88.5 million in school housing aid to districts, an increase of \$8.5 million from FY 2022, and \$50 million to the School Building Authority to address high priority projects including upgrades to lighting, heating, and ventilation systems. The budget also authorizes a ballot referenda which will go before the Rhode Island voters in November and would provide \$250 million in bonds for the construction, renovation, and rehabilitation of Rhode Island public schools.

Trauma-Informed Schools: Legislation passed that establishes the implementation of trauma-informed practices in all elementary and secondary schools and creates a trauma-informed commission.

School Resource Officers (SRO): Legislation passed that requires RIDE to collect and publicly report data on the number of SROs in each school district, and disaggregated data on the use of force against students, student arrests, and referrals to law enforcement or courts. Legislation did not pass that would have required two SROs in every public school or provided state support for the hiring of new SROs.

Attendance: Legislation passed that makes public schools responsible for attendance data monitoring and detection of emergent truant behavior.

Asian American History: Legislation passed that requires all public schools to provide at least one unit of instruction on Asian American, Native Hawaiian and Pacific Islander history and culture.

Seal of Biliteracy: Legislation passed that will allow high school students who receive the Silver or Gold Seal of Biliteracy to earn college credit toward a minor or major degree in a world language at the state's public higher education institutions.

Dual Language Programs: Legislation passed that will require RIDE to create a model policy and timeline to assist school districts in implementing a dual language immersion program.

Right To Read Act: Legislation passed that extends the time period for all teachers to demonstrate proficiency in knowledge and practices of scientific reading and structured literary instruction and amends the act to include ways teachers can demonstrate knowledge.

Dyslexia Educator Training: The FY 2023 budget includes \$50,000 from general revenues for educator dyslexia training, including Orton-Gillingham or similar programs.

Advanced Placement Courses: Legislation passed that establishes a process for CCRI, RIC and URI to accept for college credit AP test scores of three or better.

Career and Technical Education: Legislation passed that requires students in grades K-12 to study courses that include instruction in CTE programs, including knowledge of careers and types of employment opportunities and registered apprenticeships.

FAFSA: Legislation passed that requires school guidance counselors at every public and private high school to provide notices to students and families about the FAFSA and the alternative financial aid application.

Wavemaker Fellowship: The FY 2023 budget includes \$3.2 million to support the Wavemaker Fellowship, a competitive student loan reimbursement program for college and university graduates working in science, technology, engineering, and medicine and expanded the fellowship to include health care professionals.

Onward We Learn: The FY 2023 budget includes exclusion of Onward We Learn scholarships as federal or financial aid for the Rhode Island Promise Scholarship.

Increasing Opportunities for Teachers of Color: The FY 2023 budget includes \$200,000 in general revenue to increase access to higher education opportunities for Teachers of Color through the Rhode Island School for Progressive Education. Legislation did not pass that would have provided \$2 million for a scholarship fund to prepare Students of Color to enter the field of education.

Teacher Termination: Legislation passed that requires a charter or private school to submit the identity of any teacher terminated for cause to RIDE.

Rhode Island Education System: Legislation passed that creates a joint commission to study and make recommendations for efficient and effective governance of PK-16 public education system.

Providence Public Schools: Legislation passed that requires RIDE to provide updates on the status of Providence Public Schools and the Turnaround Action Plan.

Suspensions: Legislation did not pass that would have limited the use of suspensions for students in Pre-K and elementary grades and required the use of restorative justice practices to address student behavior.

Out-of-School Time Learning: Legislation did not pass that would have provided \$2.0 million to support afterschool, summer learning, and workforce development programs for students in kindergarten through grade 12.

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

School-Based Mental Health Providers: Legislation did not pass that would have established state support for school-based mental health services, allowed for the hiring of new school-based mental health professionals or expanded eligibility for Medicaid reimbursements to include school social workers and school psychologists.

Special Education: Legislation did not pass that would have established the Rhode Island ombudsperson for special education.

Transformation Specialist: The FY 2023 budget does not include \$100,000 to fund the hiring of a new transformation specialist at RIDE to support consistently low performing schools.

Curriculum Restrictions: Legislation did not pass that would have prohibited terms and instructional materials that depict identity groups as oppressors and/or victims, centered any race, ethnicity, gender, religion or viewpoint, prohibited psychological or medical counseling in any school setting, excluded gender identity and sexual orientation in sex education, required educators to use names and pronouns associated with a student's biological gender instead of their gender identity, and established disciplinary measures for educators who violate these provisions.

Higher Education Academies: The FY 2023 budget does not include \$22.5 million in federal ARPA funds from FY 2023 to FY 2027 to establish academies to support youth and adult enrollment in higher education or workforce training programs and provide college readiness coursework and wraparound services.

Municipal Learning Centers: The FY 2023 budget does not include \$15.0 million in federal ARPA funds from FY 2023 through 2027 to establish centers operated by municipalities to provide early education and out-of-school time programming year-round.

School Meals: Legislation did not pass that would have required free lunches to be provided for all students attending public schools, to the extent state and federal funds are available.

Student Bill of Rights: Legislation did not pass that would have provided students with a students' bill of rights prohibiting discrimination based on race, sex, gender, economic status or mental, physical, developmental or sensory disabilities.

Rhode Island Hope Scholarship: Legislation did not pass that would have provided qualified graduating high school students two years of free tuition and fees at Rhode Island College.

Health

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Low-income children are eligible to enroll in RIte Care regardless of immigration status.
- ◆ RIte Care coverage is extended to cover mothers for 12 months postpartum and provide this coverage regardless of immigration status.
- ◆ Funding provided to help ensure continuous health insurance coverage for Medicaid recipients disenrolled when the Public Health Emergency ends.
- ◆ Legislation passed to improve the social and emotional health of young children covered by Medicaid.

Medicaid Enrollment: The FY 2023 budget includes funding to automatically enroll people into a Health Source RI plan and pay the first two months of premiums if they are disenrolled from Medicaid following the end of the Public Health Emergency. Enrollees have had continuous coverage throughout the COVID-19 Public Health Emergency.

Medicaid Rates: The FY 2023 budget includes \$5.4 million in general revenue and \$6.8 million in federal funds to increase Medicaid rates for labor and delivery services by 20% and increase Medicaid hospital rates by 5%. The budget also includes \$2.5 million in general revenue and \$3 million in federal funds to increase pediatric provider rates and \$7.5 million in *ARPA* funds for pediatric recovery.

***Insurance for Pregnant Women:** The FY 2023 budget allows women who give birth while enrolled in RIte Care to stay continuously enrolled for 12 months after giving birth, instead of the current 60 days, and provides state funds to allow coverage regardless of immigration status. Legislation also passed that establishes a special enrollment provision for pregnant women to obtain health insurance coverage at any time after the commencement of the pregnancy.

***Insurance for Undocumented Children:** The FY 2023 budget restores Rhode Island's policy of allowing all eligible low-income children, regardless of immigration status, to enroll in RIte Care.

Children's Therapeutic and Respite Services: The FY 2023 budget provides \$9.0 million in general revenue and \$11.2 million in federal funds to support increased rates for Medicaid children's service providers to ensure that providers offering Home-Based Therapeutic Services (HBTS), Applied Behavioral Analysis (ABA), Personal Assistance Services and Supports (PASS), and Respite to children with moderate to severe special needs are paid at least \$15.00 per hour.

Mental Health: The FY 2023 budget includes \$1.875 million for implementation of the 9-8-8 hotline to maintain compliance with the *National Suicide Hotline Designation Act of 2020* and \$550,000 for crisis intervention trainings. Legislation passed to establish Certified Community Behavioral Health Clinics (CCBHCs) clinics to provide mental health and substance use treatment in accordance with the federal model and rate payments, with \$30 million allocated for this purpose.

***Infant and Early Childhood Mental Wellness:** Legislation passed to establish a state plan to improve the social and emotional well-being of young children (birth through age 6) as well as screening, assessment, diagnosis, and treatment of mental health challenges covered by Medicaid.

Lead Poisoning Prevention: Legislation did not pass that would have executed a plan to work to replace the lead pipes in Rhode Island within 10 years. The plan would ensure that the replacement process is free and prioritizes low-income communities.

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

Safety

VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Common sense gun legislation passed that increases the age for purchasing firearms and ammunition from 18 to 21, bans loaded rifles in public, and limits magazine capacity to 10 rounds of ammunition.
- ◆ Additional funding budgeted for a new Psychiatric Residential Treatment Facility for female youth.
- ◆ Community-based agencies that deliver vital services for children and families were provided with a reimbursement rate increase and workforce stabilization.

DCYF Budget: The FY 2023 budget provides \$315 million for the Department of Children, Youth & Families (DCYF) including \$2.5 million in *ARPA* funds for provider workforce stabilization and \$1.5 million for foster home lead abatement and fire safety upgrades.

Community Provider Rates: The FY 2023 budget provides a 14% reimbursement rate increase to all community-based programs that have contracts with DCYF to reflect the operational costs of providing services and includes a 10% rate increase retroactive payment.

Female Youth Project: The FY 2023 budget includes \$12 million in *ARPA* funds to expand existing in-state capacity at private facilities and design a new residential treatment facility to better meet the needs of girls with complex behavioral health care needs currently being treated out-of-state, in a hospital, or at the Rhode Island Training School (RITS). An additional \$45 million in Rhode Island Capital Plan funds has been budgeted over three fiscal years (\$15 million per fiscal year) to construct a facility tailored to the needs of female youth.

Gun Safety: Legislation passed that increased the age to purchase firearms and ammunition from age 18 to 21 and banned the possession of loaded rifles or shotguns in public. Legislation also passed that makes it a felony for

an individual to possess any semi-automatic firearm magazine that can hold more than 10 rounds of ammunition. Legislation did not pass that would have banned assault weapons, required firearms to be stored securely when not in use, and prevented individuals with prior convictions for possession of a firearm without a license from purchasing or possessing a firearm.

Rhode Island Children's Information System (RICHIST): The FY 2023 budget includes \$17.0 million from the Information Technology Investment Fund to replace RICHIST. DCYF's child welfare data system has been in use since 1997.

Childhood Sexual Abuse: Legislation passed that allows children 18 and younger to use a recorded forensic interview in grand jury testimony for cases of sexual abuse. Legislation also passed that defined any act of sexual penetration by an individual in a position of authority over a youth over age 14 and under age 18 as third degree sexual assault.

Child Neglect and Abuse: Legislation passed that would establish a military family advocacy program to address child neglect and abuse specifically within military families. Legislation also passed that would establish criminal penalties for a "wanton" or "reckless" act of a parent or guardian of a child that results in substantial risk of serious bodily injury or sexual abuse of a child in their care.

Minimum Age for Youth at the Training School: Legislation did not pass that would have prohibited the incarceration of children under the age of 14 at the Rhode Island Training School (except in cases when the juvenile is charged as an adult for a felony capital offense).

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

Kinship Placements: Legislation did not pass that would have required DCYF and the Family Court to initially consider the placement of a child under their care with the child's immediate family members or next of kin before placement in foster care or if immediate family care is not appropriate would have required prioritizing placement with a family of the child's ethnic, cultural, or racial heritage.

Parental Incarceration: Legislation did not pass that would have required the courts to consider the parental status of a defendant at time of sentencing and issue a sentence that does not include imprisonment unless the

parent poses a significant risk to the community that outweighs the harm of a parent's absence from a child's life.

DCYF Caseloads: Legislation did not pass that would have established general caseload limits for DCYF workers.

Mental Health Referral: Legislation did not pass that would have required the Family Court and/or DCYF to provide a child who is the subject of a neglect or abuse petition a mental health referral based on the individual needs of the child.

Other

***Let RI Vote:** Legislation passed improving voter access by removing barriers to vote by mail or early in-person which will help busy parents (and others) vote.

***Revenue for Rhode Island:** No changes were enacted to the state tax rate for the top 1% of earners in order to generate more state revenue.

Race, Ethnicity, Gender and Disability Impact Statement Act: Legislation did not pass that would have required the General Assembly to include combined race, ethnicity, gender and disability impact statements in any legislation related to human services; medical, dental or behavioral health care; disability services; housing or housing assistance; education; employment and labor; land use and transportation; criminal justice; and legislation that will have economic or environmental impacts on communities.

*Right from the Start Campaign priority.

Fiscal Year 2023 Budget

The Rhode Island General Assembly enacted an FY 2023 budget in the amount of \$13.6 billion. The budget consists of \$5.0 billion in state general revenue, \$5.7 billion in federal funds, \$454 million in restricted receipts, and \$2.4 billion in other funds.



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