



# Legislative Wrap-Up

## 2021 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

- ◆ Improvements to the Rhode Island Works program, including the first benefit increase in 30 years.
- ◆ Discrimination in housing based on a person's lawful source of income is prohibited.
- ◆ A permanent funding stream for affordable housing established for the first time.
- ◆ The minimum wage will increase gradually from \$11.50 to \$15.00 per hour by January 1, 2025.

**Minimum Wage:** Legislation passed that will gradually increase the minimum wage for hourly employees from \$11.50 to \$15.00 per hour by January 1, 2025.

**Rhode Island Works:** The FY 2022 budget includes \$4.3 million in federal TANF funds to increase the monthly benefit amount by 30%, raising the monthly benefit for a family of 3 from \$554 to \$721. It also allows adults in the Rhode Island Works program to not have their earned income count against their benefit for six months or until their family income exceeds 185% of the federal poverty level or the 48-month time limit is reached, whichever comes first; extends the \$100 annual clothing allowance to all children in families receiving RI Works,

including children under age four; and allows 18-year-olds to stay enrolled in Rhode Island Works as long as they are enrolled in high school.

**Housing Discrimination:** Legislation passed that prohibits discrimination in housing against people who have a lawful source of income, including a Section 8 (Housing Choice) voucher or any other type of rental assistance.

**Permanent Source of Funding for Housing:** The budget passed included the establishment of the state's first permanent funding stream for affordable housing generated through an increase in the real estate conveyance tax on property valued over \$800,000. This new funding stream is expected to generate revenue of \$4.3 million annually to support housing production and preservation.

**Oversight of Housing:** The budget passed included the creation of a Deputy Secretary of Commerce and Housing within the Executive Office of Commerce to oversee housing initiatives and develop a housing plan.

**Pay for Success:** The budget included the establishment of a public-private partnership model supported by social impact bonds to create permanent supportive housing for chronically homeless individuals with physical, mental, and behavioral health challenges.

**Eviction Protections:** Legislation did not pass that would have established a statewide eviction moratorium during declared states

of emergency or that would have provided for the sealing and unsealing of court files in residential eviction proceedings.

**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 EITC from 15% to a higher percentage of the federal EITC that is more in line with neighboring states.

**Rhode Island Community Food Bank:** The FY 2022 budget includes \$1.3 million in federal funds and \$350,000 in general revenue for the Rhode Island Community Food Bank.

## Early Learning & Development

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Family copayments for Child Care Assistance Program (CCAP) were lowered and capped at 7% of family income.
- ◆ Pandemic rate increases for CCAP were continued through December 31, 2021.
- ◆ New rates for CCAP effective January 1, 2022 provide additional increases for some age and quality categories.
- ◆ Medicaid funding was increased for family home visiting programs and prenatal visits were authorized for the First Connections program.
- ◆ Additional weeks were added to the Rhode Island paid family leave program (Temporary Caregivers Insurance) so that eligible parents who take the leave will have additional time at home with new babies and children.

**Child Care Assistance Program (CCAP):** The FY 2022 budget allocates \$74.2 million for CCAP, \$7.6 million more than was allocated in the FY 2021 budget. All new funding is from federal resources. State general revenue funding for CCAP was cut by \$300,000 to \$8.7 million. Pandemic rate increases were continued through December 31, 2021. New rates go into effect on January 1, 2022 that are significantly higher than the Governor's proposal and include the establishment of tiered reimbursement for school-age children. Some rates will be higher than the current pandemic rates and other rates will be lower. A statutory cap on family

copayments for CCAP, as proposed in the *RI Child Care is Essential Act*, was enacted so no family will be required to make copayments that are higher than the federal affordability standard (7% of family income). A proposal to restore and expand family eligibility to 225% of FPL and allow families to retain the subsidy until their income reaches 300% of FPL and some higher rates, proposed in the *RI Child Care Is Essential Act*, were not included in the budget.

### Child Care Assistance for Low-Income College

**Students:** A one-year pilot program was authorized and \$200,000 in federal funding was allocated to provide low-income college students with access to CCAP.

**Permanent Legislative Commission on Child Care:** A Joint Resolution did not pass that would update the purpose, membership, and resources available to the Permanent Legislative Commission on Child Care.

**Rhode Island Pre-K:** The FY 2022 budget provides level funding of \$14.9 million in state funds to provide four-year-olds with access to RI Pre-K. The 17 new classrooms added in 2020-2021 and the 22 new classrooms added in 2021-2022 are paid for with federal grants.

**Head Start:** State funding for Head Start was maintained at \$1.2 million to serve 130 low-income children ages three and four.

**Family Home Visiting:** The FY 2022 budget includes \$1.6 million in new Medicaid funding (\$700K in new state general revenue) for family home visiting programs and authorizes prenatal visits for the First Connections program.

**Paid Family Leave:** Legislation passed adding additional weeks to the state's paid family leave program (Temporary Caregivers Insurance). Beginning in 2022, eligible workers will be able to take 5 weeks and in 2023 they will be able to take 6 weeks of paid leave to care for new babies, adoptive and foster children, or seriously ill family members. Legislation did not pass that would have increased the wage replacement rate so more low-wage workers could use the leave and extended the program to provide 12 weeks of leave.

**Early Educator Compensation:** The *Early Educator Investment Act* did not pass. This bill would require the Children's Cabinet to set goals to increase compensation for educators who work in child care, family home visiting, Early Intervention, and RI Pre-K programs.

## Education

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ The RI Promise Scholarship Program was made permanent.
- ◆ Regulations that allow undocumented students to pay the same tuition and fees as Rhode Island residents at the state's public higher education institutions was put into law.
- ◆ The eleventh year of the education funding formula was fully funded.

**Education Funding Formula:** The eleventh year of the education funding formula was fully funded for FY 2022 with an additional \$35.5 million in general revenue over FY 2021. Legislation passed that holds districts harmless from the impacts of the COVID-19 pandemic on student enrollment for FY 2022. Districts will receive aid based on student enrollment in either March 2020 or March 2021, whichever is higher. The budget includes \$14.9 million for the RI Pre-K program, \$7.8 million for transportation, \$4.5 million for high-cost special education, and \$5.0 million for Multilingual Learners/English Learners, consistent with the FY 2021 budget. The School Resource Officer Categorical Aid program was due to sunset in FY 2021 and was not funded. Legislation did not pass that would have expanded the student success factor in the education funding formula to include Multilingual Learners or required RIDE to review the weight designated in the student success factor of the education funding formula by October 1, 2021.

**COVID-19 Relief Funds:** The FY 2022 budget includes increased federal funding to support schools, including \$539.8 million from federal education stabilization funds to address the impact of the pandemic on learning. The state budget also includes \$11.7 million in federal funds from the *American Rescue Plan* to support school-aged students with disabilities.

**Charter Schools:** Legislation did not pass that would have placed a moratorium on the creation or expansion of charter schools through the 2023-2024 school year. The School Choice Density Aid program will provide \$1.1 million to traditional public schools in which 5% or more of resident students are enrolled in charter schools. In FY 2022, \$500 per student will be provided to districts for new students who have enrolled in charter schools since FY 2019. Beginning in FY 2023,

aid will be provided for any new students enrolling in new or expanded charter schools.

**RI Promise Scholarship:** Legislation passed that made the RI Promise Scholarship permanent and that included provisions allowing students with disabilities to participate in the program with reasonable accommodations including more time to complete the program. The FY 2022 budget includes \$7.7 million from general revenues to support the RI Promise Scholarship at the Community College of Rhode Island (CCRI) and \$5.3 million from the Governor's Emergency Education Relief Fund to temporarily expand RI Promise to include some adults with college credits and students graduating high school in the Class of 2020 who were unable to attend CCRI immediately because of the COVID-19 pandemic.

**In-State Tuition for Undocumented Students:**

Legislation passed that put into law existing 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.

**FAFSA:** Legislation passed that allows students who are legally unable to complete the FAFSA to complete a comparable form created by the college.

**Financial Literacy:** Legislation passed that requires RIDE to develop and approve statewide academic standards for the instruction of consumer education by December 31, 2021.

**Civic Education:** Legislation passed that requires all middle and high school students to demonstrate proficiency in civic education before graduation with implementation beginning in the 2022-2023 school year.

**African Heritage History:** Legislation passed that requires education courses in African Heritage and History in elementary and secondary schools beginning in the 2022-2023 school year.

**Advanced Placement Tests:** The FY 2022 budget includes \$400,000 to provide free Advanced Placement tests to low-income students.

**Dual Enrollment:** The FY 2022 budget includes \$2.3 million for Prepare RI's dual/concurrent enrollment initiative that allows qualified students to earn college credit at their high school or at state public higher education institutions at no cost.

**College and Career Readiness:** Legislation passed that requires that schools collect and report data on the number of high school graduates and the number applying to college and vocational programs.

**Wavemaker Fellowship:** The FY 2022 budget includes \$1.6 million to support the Wavemaker Fellowship, a competitive student loan reimbursement program for college and university graduates working in science, technology, engineering, and medicine.

**Suicide Prevention:** *The Nathan Bruno and Jason Flatt Act* passed which requires suicide awareness and prevention training for teachers, students, and all school staff and establishes a conflict resolution process between teachers or school staff and student.

**Field Trips:** Legislation passed that allows fundraising for school field trips.

**ESL/ELL Teacher Certification:** Legislation passed that requires RIDE to streamline the English as a Second Language and English Language Learning teacher certification process.

**World and Dual Language Immersion:** FY 2022 budget includes \$146,091 in funding to RIDE to establish a new world language specialist. This specialist will work with school districts to establish and improve world language and dual language programs.

**Social Studies Specialist:** The FY 2022 budget includes \$146,091 in funding to RIDE for a new position to develop social studies standards for middle and high schools.

**Transformation Specialist:** The FY 2022 budget does not include \$146,091 to funding to RIDE for a new transformation specialist to support consistently low performing schools.

**Trauma-Informed Schools:** Legislation did not pass that would have established and implemented trauma-informed practices in schools throughout the state.

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

**School Climate:** Legislation did not pass that would have incorporated *SurveyWorks* into the performance evaluations of schools.

**School Resource Officer Data Collection:** Legislation did not pass that would have required RIDE to collect

and publicly report data on the number of School Resource Officers in each school district and disaggregated data on the use of force against students, student arrests, and referrals to law enforcement or courts.

**School-Based Mental Health Providers:** Legislation did not pass that would have established state support for school-based mental health services in schools or that would have directed that school-based mental health services provided by social workers and school psychologists be eligible for Medicaid reimbursement.

**Attendance:** Legislation did not pass that would have made public schools responsible for attendance data monitoring and detection of emergent truant behavior.

**Increasing Opportunities for Teachers of Color:** Legislation did not pass that would have provided \$2.0 million for a scholarship fund to prepare students of color to enter the field of education. Legislation passed that extends the reporting and expiration dates of the Special Legislative Commission to Study and Provide Recommendations for Encouraging more Persons of Color to Enter the Field of Education to June 17, 2022.

**Divisive Curriculum:** Legislation did not pass that would have prohibited the teaching of “divisive concepts” and mandated that any contract, grant, or training program entered into by the state or any municipality include provisions prohibiting teaching divisive concepts and prohibit making any individual feel discomfort, guilty, anguish or any distress on account of their race or sex.

**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 grades kindergarten through grade 12.

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

**Seal of Biliteracy:** Legislation did not pass that would have allowed 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.

**Class Size:** Legislation to cap class size at 20 children for kindergarten through grade 2 did not pass.

**College Crusade of RI:** Legislation did not pass that would have excluded scholarships from the College Crusade of Rhode Island as federal or financial aid for the Rhode Island Promise Scholarship.

## Health

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Doula services are now eligible for reimbursement through both Medicaid and commercial insurance plans.
- ◆ Access to telemedicine was expanded.
- ◆ Public schools are now required to provide feminine hygiene products to students at no cost.

**Perinatal Doula Services:** Legislation passed making doula services eligible for reimbursement through private insurance plans. The FY 2022 Budget also includes \$500,000 to fund doula services through Medicaid for women during pregnancy, childbirth, and the first few weeks postpartum, as recommended by the Governor. This assumes an \$850 payment would be made for perinatal doula services for 10% of the estimated 5,000 births.

**Tobacco Age to 21:** Legislation passed increasing the age of sale for tobacco products and electronic nicotine delivery systems from age 18 to 21.

**RItc Care:** The FY 2022 budget preserves RItc Care eligibility and benefits at current levels for children, parents, and pregnant women.

**Dental Benefits for Children:** The FY 2022 Budget includes Medicaid coverage for Silver Diamine Fluoride to treat dental caries (cavities).

**Telemedicine:** Legislation passed expanding Rhode Islanders' access to telemedicine coverage. Key provisions of this legislation include allowing patients to receive telemedicine services at home, permitting the delivery of telemedicine by audio-use only telephone, requiring that deductibles, copayments, or coinsurance be no more than if the same service were performed in-person, and requiring Rhode Island Medicaid to cover telemedicine services.

**Feminine Hygiene Products:** Legislation passed requiring all public schools to provide feminine hygiene products at no cost.

**Insurance for Pregnant Women:** Legislation did not pass that would have allowed pregnant women who give birth while enrolled in RItc Care to stay continuously enrolled in RItc Care for 12 months after giving birth instead of the current 60 days. Legislation also did not pass that would have allowed pregnant women with an annual income above current Medicaid income limits to be eligible to purchase health insurance through one of the Medicaid managed care plans.

**Insurance for Undocumented Children:** Legislation did not pass that would have restored RI's policy of allowing all eligible low-income children, regardless of immigration status, to enroll in RItc Care.

**Sugar-Sweetened Beverage Tax:** Legislation did not pass that would have imposed a tax on sugar-sweetened beverages and deposited the tax collected into the Retail SNAP Incentive Fund to promote food access and nutrition among SNAP recipients.

**Healthy Beverages:** Legislation did not pass that would have required children's meals offered by restaurants to include certain healthy beverage options if the beverage is automatically included in the meal.

## Safety

### VICTORIES FOR CHILDREN AT-A-GLANCE

- ◆ Legislation passed requiring school districts to report on the academic achievement of foster care youth.
- ◆ Legislation passed that bans individuals with permits to carry concealed pistols or revolvers from carrying them on school grounds and that prohibits straw purchases of firearms.
- ◆ Funding budgeted to develop psychiatric treatment facilities for girls with complex behavioral treatment needs currently being treated out-of-state, in a hospital, or at the Training School.

**DCYF Budget:** The FY 2022 budget provided \$276 million for the Department of Children, Youth & Families (DCYF) budget and included \$11.1 million to hire 91 new employees needed to become accredited and to address quality issues and \$600,000 for other accreditation costs.

**Rhode Island Children's Information System (RICHIST):** The FY 2022 budget includes \$17.0 million from the Information Technology Investment Fund to combine with \$11.0 million in federal funding to replace RICHIST. DCYF's child welfare data system has been in use since 1997.

**Academic Achievement for Children in DCYF Care:** Legislation passed that requires school superintendents to create annual reports on the progress and status of academic achievement of foster care youth and develop a remediation plan if students in foster care are failing to meet academic standards or disproportionately subject to school discipline compared to the overall student population.

**Child Marriage:** Legislation passed that bans child marriages in Rhode Island by eliminating language in state law that allowed children under age 18 to get a marriage license with parental consent.

**Childhood Sexual Abuse:** Legislation passed that requires that DCYF report all suspected cases of childhood sexual abuse to the Children's Advocacy Center.

**Disabled Parents:** Legislation passed prohibiting a parent's disability from serving as a basis for denial or restriction in matters involving a child's welfare, foster care, family law, guardianship, or adoption.

**Family First Prevention Services Act:** The FY 2022 budget included \$400,000 in general revenue to ensure compliance with new federal requirements in the Family First Prevention Services Act.

**Older Youth in Foster Care:** The FY 2022 budget included \$1.0 million in general revenue funds to provide continued supports and services to older youth in foster care who would have aged out during the pandemic.

**School Transportation for Children in DCYF Care:** Legislation did not pass that would have required the state to reimburse local school districts for the cost of transporting children in DCYF care to their home school district.

**Female Youth Project:** The FY 2022 budget included \$1.0 million in general revenue and \$2.5 million in federal funds to develop psychiatric treatment facilities for girls with complex behavioral health care needs currently being treated out-of-state, in a hospital, or at the Rhode Island Training School (RITS).

**RITS Consolidation:** The FY 2022 budget consolidated one module at the Rhode Island Training

School and eliminated 9.0 FTEs to bring the facility and staffing into alignment with the reduced population of youth at the Training School.

**Juvenile Life Without Parole:** Legislation did not pass that would have made adults who have been sentenced to life sentences without parole for crimes they committed before the age of 18 eligible for a parole hearing after serving 15 years of their sentence. The FY 2022 budget did include language requiring that an adult serving a sentence for a crime committed as a juvenile should be provided a "meaningful opportunity" to obtain release and that parole hearings consider the diminished culpability of juveniles and subsequent growth and increased maturity during incarceration.

**Gun Safety:** Legislation passed that bans individuals with permits to carry concealed pistols or revolvers from carrying them on school grounds, prohibits the purchase of a firearm on behalf of, or selling or transferring a firearm to someone who is legally prohibited from possessing one, and that requires the Office of the Attorney General to report on the number of firearm-related cases in Rhode Island courts. Legislation did not pass that would have banned the sale/possession of feeding devices holding more than 10 rounds of ammunition, banned assault weapons, and required firearms to be stored securely when not in use.

**Caseload Estimating Conference:** Legislation passed that requires the participation of BHDDH in the Caseload Estimating Conference but not DCYF.

## Fiscal Year 2022 Budget

The Rhode Island General Assembly enacted a FY 2022 budget in the amount of \$13.1 billion. The budget consists of \$4.55 billion in state general revenue, \$5.9 billion in federal funds, \$373 million in restricted receipts, and \$2.3 billion in other funds.



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