

*The*

# SMITH HILL REPORT



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## Open Bargaining

Senate Minority Leader Jessica de la Cruz submitted a bill to require that teacher contract negotiations be open to the public. [S 2464](#) was heard in the Senate Labor Committee on April 10. The bill sponsor introduced the bill, but no one testified in support of the legislation.

RIFTHP lobbyist James Parisi testified against the bill at the hearing. Parisi noted that the RIFTHP does not object to teacher negotiations being held in public, but objected to legislation that requires that the sessions be public. Parisi testified that it should be up to the parties; namely the teacher union negotiations committee and the school district negotiating committee, to agree that the sessions be held in public before bargaining is done in a public meeting. He noted that the bill would not necessarily encourage the parties to reach agreement, which is the ultimate goal of any collective bargaining. The RI AFL-CIO signed up to oppose the bill. The Committee voted to hold it for further study.

## Parents Bill of Rights

On Wednesday, April 10, the House Education Committee heard testimony on two bills introduced by Representative Patricia Morgan. One bill, titled the Parents Bill of Rights, enumerates many existing parental rights into state law. Some of the specific provisions related to education are concerning. RIFTHP President Frank Flynn offered written testimony in opposition to several specific provisions of the [H 7781](#).

In his [letter](#), Flynn noted that giving parents broad rights to control the education of students would impede a schoolteacher's ability to educate a class. He wrote "*H 7781 would give all parents the right to direct the education and care of their minor children. How can a classroom teacher with twenty-five students in a class provide an education while having twenty-five different parents directing the education of their individual children? Such broad rights are not practical in a school setting*".

He added "*The bill also gives parents the right to object to curriculum material of health education classes and other materials used in the classroom.*" This puts teachers in an untenable role of trying to provide an education while giving parents the right to object to any material in any subject area for any reason." The House Education Committee voted to hold the bill for further study.

### **Scope of Bargaining – Naming a Medical Insurer**

In 2008, over the objections of the RIFTHP and other public sector unions, the Rhode Island General Assembly passed a law that prohibited public sector collective bargaining agreements from naming a medical insurer. Since that time, most collective bargaining agreements have included a summary of benefits and insurance plan designs, but not the name of the insurance company providing the benefits. [S 2119](#) introduced by Senator Tikoian would reverse the 2008 law and permit unions and public sector employers to name medical insurance plans. The bill was heard in the Senate Labor Committee on Wednesday, April 3.

RIFTHP lobbyist James Parisi testified in support of the bill, offering the same testimony as he provided the House Labor Committee a week earlier on the House version of the legislation. He described medical insurance being both an issue of plan design as well as networks, and that whenever a change in insurer is contemplated, union members' primary concern is whether or not their doctor is part of the network of the new provider.

Parisi testified that a health plan with great benefits is not worth much if many Rhode Island Doctors, Physician Assistants, Hospitals, or other providers are not in the plan. Testifying in support of the bill was the AFL-CIO and AFSCME Council 94. Testimony against the bill naming a medical insurer provides security of knowing the network of providers are covered by a plan. was offered by the RI School Committees Association and the Interlocal Trust, a nonprofit company that provides insurance for municipalities and school districts. The Committee held the bill for further study.

### **Early Intervention Rate Increase**

On Thursday April 11, the Senate Finance Committee heard testimony on [S 2359](#) by Senator Valverde to increase state reimbursement rates to Early Intervention providers. The Trudeau Center offers Early Intervention services whose staff are represented by the RIFTHP. RIFTHP lobbyist James Parisi provided [written testimony](#) in support of S 2359. His letter voiced support for a 25% rate increase for the providers in order to provide needed wage increases for staff. Early Intervention (EI) had been level funded for decades and only saw a rate increase last year.

### **Dental Insurance Loss Ratio**

Legislation was introduced to require an 85% medical loss ratio on dental insurance in Rhode Island. The move is supported by RI dentists seeking rate increases. The RIFTHP and other unions oppose the measure. The proposal, [H 7082](#), was heard in the House Corporations Committee on Thursday, April 11.

RIFTHP President Frank Flynn wrote a [letter](#) opposing the legislation. He informed the Committee that passage of the bill would result in significant increases in premiums and higher out-of-pocket costs for our members.

He wrote: *“Dental insurance is different from medical insurance, both in product design and price. Imposing a loss ratio meant for medical insurance onto our dental program without a full understanding of the industry would be irresponsible governance by the legislature. This is evident in Massachusetts,*

*where a 2022 ballot referendum set an arbitrary and excessive dental loss ratio, which actuarial consultant, Milliman, estimates will result in a 38% increase in patient premiums. While the Massachusetts Department of Insurance has yet to release these problematic regulations, at least five dental carriers have already announced plans to abandon the individual and small group market.”*

#### **Freedom to Read**

On Wednesday April 10, the Senate Education Committee held a hearing on a number of bills, including [S 2281](#) by Senator McKenney. S 2281, titled the Freedom to Read Act, would create state policy to prevent political or ideological interference with librarians in curating their collection of books and other materials. The legislation is in response to increased efforts to ban books and other reading materials.

The RIFTHP submitted [written testimony](#) in support of the legislation. A letter by the RIFTHP lobbyist supported legislative efforts to restrict outside interference as librarians procure books and other materials. The letter also declared that *“The legislation implicitly recognizes librarians as professionals entrusted to make decisions in public libraries without interference from external partisans when making decisions regarding acquiring reading content. For that reason, we support the legislation.”*

#### **Municipal Employee Binding Arbitration**

On Wednesday, April 10, the Senate Labor Committee heard legislation to create a system of binding arbitration for the process of negotiating collective bargaining agreements. [S 2784](#) by Senate Labor Committee Chair Frank Ciccone would amend the existing binding arbitration law to include all issues, including wages. Municipal employee bargaining law currently permits binding arbitration if the parties cannot reach agreement, but arbitration awards are not binding on matters involving the expenditure of money. The bill also adds a new section of law to create standards which an arbitrator would use in issuing an arbitration award.

RIFTHP lobbyist James Parisi submitted [written testimony](#) in support of the bill, matching the testimony he offered the prior week when the House version of municipal employee binding arbitration was heard. He stated his belief that binding arbitration on all matters would encourage both parties to reach agreement in order to avoid an arbitrator imposing an award on the parties. His letter also raised concern about mayors who have sued after passage of a contract continuation law enacted in 2019. Should the mayors be successful, employees will have no protection or recourse if management refuses to come to the table and reach agreement. Testifying in support of the bill were AFSCME Council 94, AFL-CIO, NAGE and the Teamsters. The Association of School Committees opposed the bill. The Committee voted to hold the bill for further study.

## Bill Introductions

### **Private Pre-K School Deregulation**

([H 7780](#), Donovan, House Education)

([S 2529](#), DiPalma, Senate Education)

These bills would remove private schools from the provisions of the general laws relating to educational services for very young children.

### **School Voter Registration Drives**

([H 7848](#), Place, House State Government & Elections)

This bill would amend the current law so that it would no longer mandate, but rather simply allow local boards to annually conduct a voter registration drive at each high school within the city or town.

### **Mandatory Disclosure of Education Material**

([H 7873](#), Roberts, House Education)

([S 2041](#), DeLuca, Senate Education)

These bills would enable parents and guardians to review public school learning materials in advance and object if they decide that the material is harmful. These bills would provide that a parent or guardian may then withdraw his or her student from the activity or class where the material is used and request an alternative assignment. These bills would also require, that in order to ensure the parent's or guardian's rights, every school committee or charter school governing body must disclose on their website a list of the learning materials and activities used for instruction organized by subject area and grade level.

### **Cost - Benefit Analysis -- Health and Safety of Pupils**

([H 7885](#), Lima, House Health & Human Services)

This bill would require the Department of Health, in conjunction with the Department of Education, to conduct a cost-benefit analysis before a mandate relating to the health and safety of children in schools would be issued. This bill would also apply to any previous mandates issued, including, but not limited to, the mandate forcing children to wear masks.

### **Rhode Island College -- Tuition Waiver Pilot Program for Children in Foster Care**

([H 7905](#), Casimiro, House Finance)

([S 2962](#), DiPalma, Senate Finance)

These bills would establish the tuition waiver program for children in Rhode Island foster care program. The purpose would be to increase the number of youths in foster care enrolling in and obtaining degrees in a timely fashion from Rhode Island College.

### **Waiver of Teacher Certification Fees - Certification Review**

([H 7906](#), Giraldo, House Finance)

([S 2743](#), Acosta, Senate Education)

These bills would extend teacher certifications without fee or penalty for three (3) or five (5) years for teachers who hold certifications as of July 1, 2024. These bills would permit a teacher who has three (3) years of certified teaching experience, to acquire an additional certification through examination or content coursework. These bills would also direct the Department of Elementary and Secondary Education to revise its regulations pertaining to certification to create multiple pathways to obtain teacher and administrator certification.

### **Education Funding Formula - MLL Student Success Factor**

([H 7907](#), Felix, House Finance)

([S 2558](#), Cano, Senate Finance)

These bills would add multilingual learners, as defined by regulations of the Council on Elementary and Secondary Education, into the determination of high-need students and provides a student success factor of twenty-five percent (25%) of the core instruction per-pupil amount and repeals the categorical funding for these students.

### **Full Funding of Education Categorical Aid**

([H 7910](#), Casey, House Finance)

([S 2951](#), Murray, Senate Education)

These bills would remove the language that requires the department of Elementary and Secondary Education to prorate funds available for distribution among school districts if the total approved costs of sought after reimbursement exceeds the amount of funding appropriated in any fiscal year.

These bills would also eliminate the funding of the categorical programs pursuant to the transition plan in § 16-7.2-7.

### **State Education Aid - 1% Reduction Limitation**

([H 7911](#), Newberry, House Finance)

([S 2008](#), Rogers, Senate Finance)

These bills would prohibit total education aid paid to any local education agency from being reduced by more than one percent (1%) of the municipal education appropriation in the previous fiscal year.

### **School Construction Approval Deadline**

([H 7913](#), Baginski, House Finance)

([S 2546](#), Valverde, Senate Finance)

These bills would modify the current law to allow for approval of construction projects within school districts, rather than needing the project to be commenced by a certain date, permitting the municipality

to take advantage of the state's enhanced school bonuses and extending the time limits for the municipality to contract with the general contractors performing such work.

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### Questions

RIFTHP members with questions about the Smith Hill Report or our legislative agenda may reach out to RIFTHP Lobbyist James Parisi at (401) 273-9800 or at [jparisi@rifthp.org](mailto:jparisi@rifthp.org).

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