

March 13, 2023

School Employee Assault

On Thursday, March 9th, RIFTHP President Frank Flynn and Coventry Teacher Alliance leader Tammie Anderson testified in support of RIFTHP-sponsored legislation related to school staff. The bill, [H 5564](#) by Rep. Craven, would provide that any non-certified staff working directly with children would not have to lose pay or benefits if absent from work due to an assault on the job. Mary Townsend of AFSCME Council 94 and Patrick Crowley with NEA/RI also testified in support of the bill. Kathleen Prudencio, a member of the Northern Rhode Island Collaborative Union submitted written testimony ([click here](#)) in support of the legislation. No one testified against the bill.

Under current law, if a teacher or school administrator is absent from work due to an assault, then the person does not have to discharge their personal leave. The bill extends this income and benefit protection to “employees whose positions directly involves work with students.” Flynn provided a letter of support ([click here](#)) where he emphasized the need for equity among school support staff and the certified staff as a reason to pass the bill. He also noted that when school staff are placed on workers compensation they do not receive their full salary when out due to an assault, which forces the employee to purchase pension credit at full actuarial value for all the time missed from work. Anderson spoke about the types of situations which teacher assistants and other staff encounter at work, while infrequent, can cause significant time out due to injuries sustained as a result of their employment.

The Judiciary Committee voted to hold the bill for further study.

Education Funding

On Tuesday, March 7th, RIFTHP President Frank Flynn testified in the Senate Finance Committee that was considering Budget Article 8. [Article 8](#) contains several statutory changes related to Governor McKee’s proposed FY 2024 Budget. Among the statutory changes in the Article is an increase in the Student Success Factor from 40% to 42%. This 2% increase would provide an additional \$9.9 million in state funding for schools this year. The Student Success Factor is part of the state education aid formula that provides additional resources to students in poverty. Article 8 also creates two years of supplemental funding for districts that lose students to charter expansion. The value of that new program is \$7.8 million. This Article was heard in the House Finance Committee the week before.

The Senate Finance Committee also heard a dozen bills related to school funding. President Flynn offered written testimony on several bills and spoke about funding changes we seek.

RIFTHP President Frank Flynn's written testimony ([click here](#)) on Article 8 was similar to the testimony he offered the House Finance Committee. He supported the intent of increasing the state share of education through these statutory changes, but asked the Committee to do more. He called on the Committee to consider adding multi-language learners to the student success factor calculation to provide additional information to instruct MLL students. He also voiced concern that the charter school funding needs to last more than two years to offset the significant loss of resources caused by charter school expansion.

The RIFTHP issued letters in support of the following bills:

- [S 64](#) by Senator Cano would provide for additional state funding to hire school counselors, social workers and other mental health professionals. The RIFTHP [letter](#) highlighted student need and the necessity of state help in hiring more clinicians and mental health professionals to meet student needs.
- [S 67](#) by Senator Cano would include funding for multi-language learners in the education funding formula instead of the categorical education aid. The education funding formula adjusts for cost increases and changes in student population and demographics. The RIFTHP noted that the categorical funding has been static and that the Assembly ought to consider putting MLL students in the formula that is automatically adjusted every year for this growing student population.
- [S 236](#) by Senator Murray would increase state funding for students in poverty from 40% to 45% of core instructional funding. Governor McKee has proposed raising the Student Success Factor by 2% in his budget proposal. The RIFTHP testimony highlighted the need to drive more funding to students in need through permanent changes to the funding formula at an even higher rate than proposed by the Governor.
- [S 456](#) by Senator Pearson makes several adjustments to the education funding formula. The bill puts non-poverty MLL students in the Student Success Factor. The bill requires local communities to adequately fund their share of school district expenses. The bill also makes adjustment to the mathematical equation used to calculate the state share of education funding by not penalizing districts that are high in student need and low in property values. The RIFTHP [letter](#) lauded Majority Leader Pearson's efforts to improve the funding formula with the inclusion of MLL students.

Flynn also provided brief testimony in support of bills to increase state reimbursements for school construction, increase bonuses school districts get to adopt energy efficient buildings, and legislation to encourage school construction projects to have Project Labor Agreements to ensure that school projects have a well-trained well managed workforce utilizing union labor.

K-2 Class Size Reduction

On Wednesday, March 8th, RIFTHP lobbyist James Parisi provided a [letter](#) and testimony in support of legislation to create a statutory class size cap of 20 in Kindergarten, First and Second grades. The bill, [S 177](#) by Senator Hanna Gallo, was heard in the Senate Education Committee. Parisi thanked the Senate, which had passed the bill last year by a 34-3 vote. He also provided a chart of existing contractual class size provisions that exist in most collective bargaining agreements. He noted that Providence has the highest class sizes in grades K-2 and those students would certainly benefit from a statutory class size reduction. The Superintendent's Association and the School Committees testified about concerns of the potential cost associated with the bill. The Committee voted to support the bill, which will be considered on the Senate floor on Tuesday.

Mandatory Teacher Training

On Wednesday, March 8th, RIFTHP lobbyist James Parisi testified against legislation that would require mandatory teacher training in schools with diabetic students. The bill, [H 5501](#) by freshman Representative Stewart, was heard in the House Education Committee. Parisi testified that statutory protections were enacted in 2008 for students with diabetes, and the proposed bill expands the healthcare work of school employees not properly trained to provide services to students. Parisi also noted that the RIFTHP opposes any additional statutory training requirements for teachers, noting that we are still years away from complying with the recent mandates such as the Right to Read Act. The Committee voted to hold the bill for further study. A similar bill will be considered this week in the same Committee.

Teacher Post Retirement Employment

The House and Senate have approved different versions of post-retirement employment legislation for teachers. The House supported legislation to increase the 90 day limit to 120 days. The Senate has supported legislation to increase the cap to a full school year (180 days). The two chambers' leaders have pledged to work out their differences. The House Finance Committee is scheduled to reconsider the bills at the Committee meeting on Thursday, March 16th.

Bill Introductions

Mandatory Teacher Training - Students with Diabetes

([H 5501](#), Stewart, House Education)

([H 5546](#), Grace, House Education)

([S 0013](#), Kallman, Senate Education)

These bills would allow schools to maintain on-site an undesignated supply of glucagon for emergency purposes. These bills would further provide for training of all school employees in the basics of diabetes care of any school which has a student with diabetes and allow for further training of delegated care aides for students with diabetes.

Captive Audience Meetings

([H 5516](#), Solomon, House Labor)

([S 0447](#), LaMountain, Senate Labor)

These bills would protect the rights of employees in the workplace relating to free speech, assembly and religion as well as attendance at employer-sponsored meetings regarding political or religious matters. Employees so aggrieved by discipline or discharge would have the right to bring a civil action against the employer seeking compensatory and punitive damages.

State Deferred Compensation Plans - Roth Contributions

([H 5519](#), Casimiro, House Finance)

This bill would allow state employees the ability to make an after tax contribution to a qualified Roth contribution program as a part of a deferred compensation plan.

State Funding of Out-Of-School Time

([H 5520](#), Casimiro, House Finance)

This bill would provide four million dollars (\$4,000,000) to support comprehensive and effective afterschool, school vacation, summer learning and workforce development programs for students in grades kindergarten through twelve (K-12), and requires an annual report to the General Assembly and the Governor on the status and progress of the program.

State Worker COLA Restoration

([H 5523](#), Messier, House Finance)

This bill would award all members of the state pension system a three percent (3%) annual benefit adjustment (COLA), to be applied to the first thirty thousand dollars (\$30,000) of a member's retirement allowance, on July 1, 2023, in one lump sum, provided the prior year investment yields a gain of eight percent (8%) or more. This provision would apply until the pension system-funding ratio is eighty percent (80%).

Council On Elementary And Secondary Education - Voting Student Member

([H 5547](#), Morales, House Education)

([S 0484](#), Lawson, Senate Education)

These bills would require the Student Advisory Council to meet at least quarterly, and provide the chairperson with equal voting powers as adult members on the council. If a student is under eighteen (18) years of age, they shall be exempt from the senate advise and consent process.

School Employee Assault

([H 5564](#), Craven, House Judiciary)

([S 0381](#), Lombardi, Senate Judiciary)

These bills would add immunity from liability and provide compensation for certain injuries for employees whose position within the school directly involves work with students.

Personal Income Tax - \$50,000 Retirement Income

([H 5624](#), O'Brien, House Finance)

This bill would allow a modification up to fifty thousand dollars \$50,000 of taxable pension and/or annuity income includible in federal adjusted gross income for tax years beginning on or after January 1, 2024.

Higher Education Opportunities For Students With Disabilities

([H 5636](#), Cortvriend, House Finance)

([S 0490](#), DiMario, Senate Education)

These bills would establish the Higher Education Opportunities for Students with Disabilities Act. These bills would enable students with disabilities who are ages eighteen (18) through twenty-one (21) years, and in some cases to age twenty-two (22) years, to audit and otherwise attend state colleges and universities using the student's foundation education aid.

School Vouchers

([H 5637](#), Chippendale, House Finance)

([S 0263](#), de la Cruz, Senate Finance)

These bills would provide parents of kindergarten through grade twelve (K-12) students in Rhode Island with an opportunity to enroll their child in an educational program of their choosing, either via open enrollment in a traditional public school in their own district or any other public school district, or by receiving a scholarship, with designated public monies to follow the student to a participating private school or private curriculum program selected by the parent. The program combines aspects of what are sometimes referred to as "school choice" and "school voucher" programs. The program would begin August 1, 2023.

Language Academies Act

([H 5638](#), Chippendale, House Finance)

([S 0491](#), de la Cruz, Senate Education)

These bills would establish language academies for non-English proficient students and would also establish the Rhode Island Education Revitalization Fund to provide funding to the language academies.

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