

2017 -- H 6088

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LC002368  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO EDUCATION – CHILDREN WITH DISABILITIES

Introduced By: Representatives Azzinaro, Corvese, McNamara, McLaughlin, and  
Kennedy

Date Introduced: April 06, 2017

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-24-1 of the General Laws in Chapter 16-24 entitled "Children  
2 With Disabilities [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
3 amended to read as follows:

4           **16-24-1. Duty of school committee to provide special education.**

5           (a) In any city or town where there is a child with a disability within the age range as  
6 designated by the regulations of the state board of regents for elementary and secondary  
7 education, who is functionally limited to such an extent that normal educational growth and  
8 development is prevented, the school committee of the city or town where the child resides shall  
9 provide the type of special education that will best satisfy the needs of the child with a disability,  
10 as recommended and approved by the state board of regents for elementary and secondary  
11 education in accordance with its regulations governing the education of children with disabilities.

12           (b) Notwithstanding any other federal or state law or regulation, the school committee  
13 where a parentally placed child who has, or develops, a disability in private school resides, shall  
14 provide the child with the same free and appropriate education as it provides to children in public  
15 schools. These children shall have the same rights and remedies in the regulations of the board of  
16 regents for elementary and secondary education governing the education of children with  
17 disabilities as children in public school relative to initially determining eligibility,  
18 implementation, and/or any other rights and remedies relative to any special education services  
19 the child may be eligible or receive from the public school district.

1 (c) For the purpose of this statute, a parentally placed child who has, or develops, a  
2 disability in private school is defined as a child enrolled or placed in a private school by the  
3 unilateral decision of his or her parents and without consultation of the public school district, who  
4 either has, or at some point while at the private school is diagnosed with, a learning disability.  
5 Parents who unilaterally enroll their child in a private school are required to pay the tuition costs  
6 related to the child's education that are unrelated to the child's disability, and the public school  
7 district where the child resides is responsible for payment of the services related to the child's  
8 disability as developed and determined in the child's individual education plan.

9 (d) For the purpose of this statute, a free and appropriate education is defined as special  
10 education services and related services that:

11 (1) Are provided at public expense, under public supervision and direction, and without  
12 charge;

13 (2) Meet all of the standards and requirements of the state of Rhode Island department of  
14 education and requirements of the regulations of the board of regents for elementary and  
15 secondary education governing the education of children with disabilities, which shall include  
16 initial evaluation and determination procedures;

17 (3) Include preschool, elementary school or secondary school education in the state; and

18 (4) Are provided in conformity with an individualized education program that meets the  
19 requirements of the regulations of the board of regents for elementary and secondary education  
20 governing the education of children with disabilities.

21 (e) In those cases that an individual education plan has been adopted for a child and the  
22 child moves to another town or city, the plan shall remain in effect until a new plan is adopted for  
23 the child in the new town or city.

24 (f) A child with a disability as referenced in subsection (a) of this section shall have  
25 available to them any benefits provided by this section up to their twenty-first birthday in  
26 accordance with the student's individualized education program (IEP). Provided, in the event  
27 such a child with a disability is enrolled in a post-secondary or transitional educational program  
28 as part of the services provided to the child by the school committee or local education agency  
29 (LEA), and such child reaches twenty-one (21) years of age during a school or program year, then  
30 the school committee's or LEA's obligation to pay for the post-secondary or transitional program  
31 shall continue through ~~to the conclusion of the school or program's academic year. Students who~~  
32 ~~require more extensive care will remain under the direction of the department of rehabilitative~~  
33 ~~services and will be transitioned through the individual education plan prior to reaching age~~  
34 ~~twenty-one (21)~~ the earlier of the end of the public school calendar semester in which the student

1 turns age twenty-one (21) or in which the student's program ends in accordance with the  
2 student's individualized education program (IEP). This subsection shall not be used to delay,  
3 defer or otherwise alter the obligation of the state agency responsible for providing services to  
4 this population.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would amend the law regarding education for children with disabilities so that  
2 the benefits would continue until the end of the public school calendar semester in which the  
3 student turns 21 or when the student's program ends in accordance with the student's  
4 individualized education program (IEP), whichever occurs earlier.

5           This act would take effect upon passage.

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