

2017 -- S 0960

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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: Senators Gallo, and Algieri

Date Introduced: June 15, 2017

Referred To: Senate Education

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, in accordance
32 with the student's individualized education program. Not later than sixty (60) calendar days prior
33 to the child turning twenty-one (21) years of age, the local educational agency (LEA) shall
34 provide the child and the parent or guardian with notice explaining the rights under this section

1 that remain in effect at age twenty-one (21). Further, not later than sixty (60) calendar days prior
2 to the child turning twenty-one (21) years of age, the state adult service agencies responsible for
3 planning, funding and providing services and supports for adults with developmental disabilities,
4 including the state office of rehabilitation services (ORS) and the state department of behavioral
5 healthcare, developmental disabilities and hospitals (BHDDH), shall provide the child and the
6 parent or guardian with notice of the obligations and responsibilities that the respective agency
7 owes to eligible recipients along with a level of funding and/or an individual support plan for the
8 child twenty-one (21) years of age to receive. ~~Students who require more extensive care will~~
9 ~~remain under the direction of the department of rehabilitative services and will be transitioned~~
10 ~~through the individual education plan prior to reaching age twenty-one (21).~~ This section shall not
11 be used to delay or defer the obligation of a state agency responsible for providing services to this
12 population.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

1 This act would provide that for children with disabilities who turn twenty-one (21) years
2 of age while in a post-secondary or transitional educational program, the local educational
3 agency's ("LEA") obligation to pay for the child's education would continue in accordance with
4 the student's individual education program. The act would also provide that not later than sixty
5 (60) days prior to the child turning twenty-one (21), the LEA and state adult service agencies
6 responsible for providing supports for adults with developmental disabilities would provide the
7 child and the parent or guardian with certain notices about rights and benefits available when the
8 child turns twenty-one (21). The act would also provide that this law would not be used to delay
9 or defer the obligation of a state agency responsible for providing services to adults with
10 developmental disabilities.

11 This act would take effect upon passage.

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