

2021 -- H 5159

LC000134

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION

Introduced By: Representatives Casimiro, Noret, Fenton-Fung, Caldwell, and Donovan

Date Introduced: January 25, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-24 of the General Laws entitled "Children With Disabilities [See
2 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding
3 thereto the following section:

4 **16-24-19. Essential special services to students with disabilities.**

5 (a) During any declared state or local disaster or emergency (a "declared state of
6 emergency") pursuant to the provisions of chapter 15 of title 30 ("emergency management"),
7 physical therapy, occupational therapy, speech therapy, music therapy, and behavioral health
8 services shall all be considered and deemed essential special services ("essential special services")
9 to students with disabilities. Essential special services shall be provided by the appropriate local
10 education agency ("LEA") to students with disabilities at least to the extent that such essential
11 special services are required to be provided pursuant to federal or state law or regulation outside of
12 the time of a declared state of emergency, provided that reasonable measures are implemented to
13 provide the essential special services safely within Rhode Island department of health and Centers
14 for Disease Control and Prevention guidelines that address the issues relative to the declared state
15 of emergency.

16 (b) On or before September 1, 2021, the department of elementary and secondary education
17 (the "department") shall promulgate rules and regulations which shall provide guidelines for local
18 education agencies regarding the delivery of essential special services to students with disabilities
19 during a declared state of emergency. These guidelines shall address and direct the provision of

1 these essential special services to students with disabilities entitled to them pursuant to an
2 individualized education program, 504 plan established pursuant to the Rehabilitation Act of 1973
3 (29 U.S.C. § 701 et seq.), health plan, or similar plan or program pursuant to this chapter and federal
4 law, including, but not limited to, the Individuals with Disabilities Education Act (20 U.S.C. § 1400
5 et seq.), or provided accommodation services, or any combination thereof. The purpose of these
6 rules and regulations shall be to ensure that students with disabilities have access to necessary
7 services during a declared state of emergency and to assist school districts in meeting their
8 obligations to students with disabilities under federal and state laws and regulations.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would provide that physical therapy, occupational therapy, speech and music
2 therapies and behavioral health services would be deemed essential special services that need to be
3 provided to students with disabilities during times of a declared state of emergency. This act would
4 also direct the department of elementary and secondary education to promulgate rules and
5 regulations to help provide these essential special services.

6 This act would take effect upon passage.

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