

2022 -- H 7273

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LC003185  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Representatives McNamara, Bennett, Baginski, and Noret

Date Introduced: February 02, 2022

Referred To: House Education

It is enacted by the General Assembly as follows:

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

5 **16-24-1. Duty of school committee to provide special education.**

6 (a) In any city or town where there is a child with a disability within the age range as  
7 designated by the regulations of the state board of education who is functionally limited to such an  
8 extent that normal educational growth and development is prevented, the school committee of the  
9 city or town where the child resides shall provide the type of special education that will best satisfy  
10 the needs of the child with a disability, as recommended and approved by the state board of  
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 education governing the education of children with disabilities as children in public school relative  
17 to initially determining eligibility, implementation, and/or any other rights and remedies relative to  
18 any special education services the child may be eligible to receive from the public school district.

19 (c) For the purpose of this statute, a parentally placed child who has, or develops, a

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

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

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

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

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

16 (4) Are provided in conformity with an individualized education program that meets the  
17 requirements of the regulations of the board of education governing the education of children with  
18 disabilities.

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

22 (f) A child with a disability as referenced in subsection (a) of this section shall have  
23 available to them any benefits provided by this section up to their twenty-first birthday, in  
24 accordance with the student's individualized education program (IEP). Provided, in the event such  
25 a child with a disability is enrolled in a postsecondary or transitional educational program as part  
26 of the services provided to the child by the school committee or local education agency (LEA), and  
27 such child reaches twenty-one (21) years of age during a school or program year, then the school  
28 committee's or LEA's obligation to pay for the postsecondary or transitional program shall continue  
29 through to the conclusion of the school or program's academic year, in accordance with the student's  
30 individualized education program. Not later than sixty (60) calendar days prior to the child turning  
31 twenty-one (21) years of age, the local educational agency (LEA) shall provide the child and the  
32 parent or guardian with notice explaining the rights under this section that remain in effect at age  
33 twenty-one (21). Further, not later than sixty (60) calendar days prior to the child turning twenty-  
34 one (21) years of age, the state adult service agencies responsible for planning, funding and

1 providing services and supports for adults with developmental disabilities, including the state office  
2 of rehabilitation services (ORS) and the state department of behavioral healthcare, developmental  
3 disabilities and hospitals (BHDDH), shall provide the child and the parent or guardian with notice  
4 of the obligations and responsibilities that the respective agency owes to eligible recipients along  
5 with a level of funding and/or an individual support plan for the child twenty-one (21) years of age  
6 to receive. This section shall not be used to delay or defer the obligation of a state agency  
7 responsible for providing services to this population.

8 (g) For purposes of providing services under this chapter, "special education" shall have  
9 the same meaning as used in 34 C.F.R. § 300.39 and includes speech-language pathology services  
10 for students among the other services and supports provided for therein. The provision of speech-  
11 language pathology services shall not cease or be terminated solely because a child has attained  
12 nine (9) years of age or greater, if those services are still warranted.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

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1           This act would provide that for purposes of providing special education services to students  
2 with disabilities, "special education" would include speech-language pathology services for  
3 students, and the provision of speech-language pathology services would not cease or be terminated  
4 solely because the child has attained nine (9) years of age or greater.

5           This act would take effect upon passage.

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