

2012 -- H 7653

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

Introduced By: Representatives MacBeth, McLaughlin, Menard, and Schadone

Date Introduced: February 16, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-64-1.1 and 16-64-1.3 of the General Laws in Chapter 16-64
2 entitled "Residence of Children for School Purposes" are hereby amended to read as follows:

3 **16-64-1.1. Payment and reimbursement for educational costs of children placed in**
4 **foster care, group homes, or other residential facility by a Rhode Island state agency. -- (a)**

5 Children placed in foster care by a Rhode Island licensed child placing agency or a Rhode Island
6 governmental agency shall be entitled to the same free appropriate public education provided to
7 all other residents of the city or town where the child is placed. The city or town shall pay the cost
8 of the education of the child during the time the child is in foster care in the city or town.

9 (b) Children placed by DCYF in a group home or other residential facility that does not
10 include the delivery of educational services are to be educated by the community in which the
11 group home or other residential facility is located, and those children shall be entitled to the same
12 free appropriate public education provided to all other residents of the city or town where the
13 child is placed. For purposes of payment and reimbursement for educational costs under this
14 chapter, the term "group home or other residential facility" shall not include independent living
15 programs. Each city and town that contains one or more group homes or other residential
16 facilities that do not include delivery of educational services will receive funds as part of state aid
17 to education in accordance with the following provisions:

18 (1) On December 31 of each year the DCYF shall provide the department of elementary
19 and secondary education with a precise count of how many group home or other residential

1 facility "beds" exist in each Rhode Island city or town, counting only those "beds" in facilities
2 that do not include the delivery of educational services. The number of "beds" in each group
3 home or other residential facility shall be equal to the maximum number of children that may be
4 placed in that group home or other residential facility on any given night according to the
5 applicable licensure standards of the DCYF.

6 (2) For the fiscal year beginning July 1, 2007, if the number of beds certified by the
7 Department of Children, Youth and Families for a school district by December 31, 2007 is greater
8 than the number certified March 14, 2007 upon which the education aid for FY 2008 was
9 appropriated, the education aid for that district will be increased by the number of increased beds
10 multiplied by fifteen thousand dollars (\$15,000). Notwithstanding the provisions of this section or
11 any law to the contrary, the education aid for all group home or other residential facility "beds"
12 located or associated with the Children's Residential and Family Treatment (CRAFT) program
13 located on the East Providence campus of Bradley Hospital shall be twenty-two thousand dollars
14 (\$22,000) per bed. The Department of Elementary and Secondary Education shall include the
15 additional aid in equal payments in March, April, May and June, and the Governor's budget
16 recommendations pursuant to section 35-3-8 shall include the amounts required to provide the
17 increased aid.

18 For all fiscal years beginning after June 30, 2008, education aid for each school district
19 shall include fifteen thousand dollars (\$15,000) for each bed certified by the Department of
20 Children, Youth and Families by the preceding December 31. Notwithstanding the provisions of
21 this section or any law to the contrary, the education aid for all group home or other residential
22 facility "beds" located or associated with the Children's Residential and Family Treatment
23 (CRAFT) program located on the East Providence campus of Bradley Hospital shall be twenty-
24 two thousand dollars (\$22,000) per bed. For all fiscal years beginning after June 30, 2008,
25 whenever the number of beds certified by the Department of Children, Youth and Families for a
26 school district by December 31 is greater than the number certified the prior December 31 upon
27 which the education aid for that fiscal year was appropriated, the education aid for that district as
28 enacted by the assembly during the prior legislative session for that fiscal year will be increased
29 by the number of increased beds multiplied by the amount per bed authorized for that fiscal year.
30 The Department of Elementary and Secondary Education shall include the additional aid in equal
31 payments in March, April, May and June, and the Governor's budget recommendations pursuant
32 to section 35-3-8 shall include the amounts required to provide the increased aid.

33 (3) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

34 (4) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

1 (5) [Deleted by P.L. 2007, ch. 73, art. 21, section 6.]

2 (c) Children placed by DCYF in a residential treatment program, group home, or other
3 residential facility, whether or not located in the state of Rhode Island, which includes the
4 delivery of educational services, provided by that facility (excluding facilities where students are
5 taught on grounds for periods of time by teaching staff provided by the school district in which
6 the facility is located), shall have the cost of their education paid for as provided for in subsection
7 (d) of this section and section 16-64-1.2. The city or town determined to be responsible to DYCF
8 for a per-pupil special education cost pursuant to section 16-64-1.2 shall pay its share of the cost
9 of educational services to DCYF or to the facility providing educational services.

10 DCYF shall be considered the public agency and local educational agency for purposes
11 of this section and shall be responsible for compliance with chapter 24 of this title and the federal
12 and state special education laws and regulations including the federal individuals with disabilities
13 education act and Rhode Island board of regents regulations governing the education of children
14 with disabilities.

15 ~~(d) Children placed by DCYF in group homes, child caring facilities, community~~
16 ~~residences, or other residential facilities shall have the entire cost of their education paid for by~~
17 ~~DCYF if:~~

18 ~~(1) The facility is operated by the state of Rhode Island or the facility has a contract with~~
19 ~~DCYF to fund a pre-determined number of placements or part of the facility's program;~~

20 ~~(2) The facility is state licensed; and~~

21 ~~(3) The facility operates an approved on-grounds educational program, whether or not~~
22 ~~the child attends the on-grounds program.~~

23 **16-64-1.3. Educational responsibility for children in group homes and other**

24 **residential placements.** -- (a) The city or town in which a foster home, group home, or other
25 residential facility that does not include the delivery of educational services is located shall be
26 responsible for the free appropriate public education of any child residing in those placements,
27 including all procedural safeguards, evaluation, and instruction in accordance with regulations
28 under chapter 24 of this title, for any period during which a child is residing in the city or town.
29 The city or town shall coordinate its efforts with any other city or town to which a child moves
30 when exiting the city or town responsible under this subsection.

31 ~~(b) The city or town responsible for payment under section 16-64-1.1(c) for payment of a~~
32 ~~city or town's per-pupil special education cost to DCYF for a child placed in a residential facility,~~
33 ~~group home, or other residential facility that includes the delivery of educational services shall be~~
34 ~~responsible for the free, appropriate public education, including all procedural safeguards,~~

1 ~~evaluation and instruction in accordance with regulations under chapter 24 of this title.~~

2 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 - RESIDENCE OF CHILDREN FOR SCHOOL PURPOSES

- 1 This act would mandate that for educational purposes, children who are placed in
- 2 residential care, that DCYF would be considered the public agency and local educational agency.
- 3 It would clarify a present conflict between state and federal law.
- 4 This act would take effect upon passage.

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