

2012 -- H 7655

=====
LC01537
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Representatives Naughton, Morrison, Silva, Hull, and Savage

Date Introduced: February 16, 2012

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" is hereby amended to read as follows:

3 **16-24-1. Duty of school committee to provide special education.** -- (a) In any city or
4 town where there is a child with a disability within the age range as designated by the regulations
5 of the state board of regents for elementary and secondary education, who is functionally limited
6 to such an extent that normal educational growth and development is prevented, the school
7 committee of the city or town where the child resides shall provide the type of special education
8 that will best satisfy the needs of the child with a disability, as recommended and approved by the
9 state board of regents for elementary and secondary education in accordance with its regulations
10 governing the education of children with disabilities.

11 (b) Notwithstanding any other federal or state law or regulation, the school committee
12 where a parentally placed child who has or develops a disability in private school resides, shall
13 provide the child with the same free and appropriate education as it provides to children in public
14 schools. These children shall have the same rights and remedies in the regulations of the board of
15 regents for elementary and secondary education governing the education of children with
16 disabilities as children in public school relative to initially determining eligibility, implementation
17 and/or any other rights and remedies relative to any special education services the child may be
18 eligible or 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 (i) Are provided at public expense, under public supervision and direction, and without
11 charge;

12 (ii) 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 regents for elementary and
14 secondary education governing the education of children with disabilities, which shall include
15 initial evaluation and determination procedures;

16 (iii) Include preschool, elementary school or secondary school education in the state; and

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

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

23 (f) In order to avoid unnecessarily limiting the options of a school committee or local
24 educational agency for providing a free appropriate public education to any of its students with
25 disabilities who may require placement in a non-public school, it shall not be an eligibility
26 requirement for approval by the Rhode Island department of education, as a non-public special
27 education program or school in which children with disabilities may be placed by their public
28 school or to which they may be referred by their public school, that the non-public school's
29 teaching staff meet the Rhode Island department of education's certification requirements for
30 public school regular or special education teachers.

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

=====
LC01537
=====

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

1 This act would exempt non-public schools from the department of education's
2 certification requirements as they relate to students with disabilities.

3 This act would take effect upon passage.

=====
LC01537
=====