

2016 -- H 7757

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LC004910
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Representatives O'Brien, Kazarian, Williams, McEntee, and Winfield

Date Introduced: February 26, 2016

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 [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.** -- (a) In any city or
5 town where there is a child with a disability within the age range as designated by the regulations
6 of the ~~state board of regents for elementary and secondary education~~ [Rhode Island board of](#)
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~~ [Rhode Island board of education](#) in accordance with its regulations governing the
12 education of children with disabilities.

13 (b) Notwithstanding any other federal or state law or regulation, the school committee
14 where a parentally placed child who has or develops a disability in private school resides, shall
15 provide the child with the same free and appropriate education as it provides to children in public
16 schools. These children shall have the same rights and remedies in the regulations of the ~~board of~~
17 ~~regents for elementary and secondary education~~ [Rhode Island board of education](#) governing the
18 education of children with disabilities as children in public school relative to initially determining
19 eligibility, implementation and/or any other rights and remedies relative to any special education

1 services the child may be eligible or receive from the public school district.

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

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

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

14 (2) Meet all of the standards and requirements of the state of Rhode Island department of
15 education and requirements of the regulations of the ~~board of regents for elementary and~~
16 ~~secondary education~~ [Rhode Island board of education](#) governing the education of children with
17 disabilities, which shall include initial evaluation and determination procedures;

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

19 (4) Are provided in conformity with an individualized education program that meets the
20 requirements of the regulations of the ~~board of regents for elementary and secondary education~~
21 [Rhode Island board of education](#) governing the education of children with disabilities.

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

25 (f) To ensure that parents can participate fully and effectively with school personnel in
26 the consideration and development of appropriate educational programs for their child, a school
27 committee shall, upon request by a parent, provide timely access to parents and parent-designated
28 independent evaluators and educational consultants for observations of a child's current program
29 and of any program proposed for the child, including both academic and non-academic
30 components of any such program. Parents and their designees shall be afforded access of
31 sufficient duration and extent to enable them to evaluate a child's performance in a current
32 program and the ability of a proposed program to enable such child to make effective progress.
33 The duration and extent of the observation shall be based on the individual needs of the child.
34 School committees shall impose no conditions or restrictions on such observations except those

1 necessary to ensure the safety of children in a program or the integrity of the program while under
2 observation or to protect children in the program from disclosure by an observer of confidential
3 and personally identifiable education records in the event such education records are obtained in
4 the course of an observation by a parent or a designee. A school department may require a parent
5 or parent designee to sign an agreement to hold confidential any information the parent or parent
6 designee may observe or derive from tangible education records of any student other than the
7 parent's own child. The term "education records" as used in this agreement, means records and
8 other tangible materials that contain information directly related to a student, or any information
9 derived from tangible records, and are maintained by a school department or its agents and
10 employees. Failure to provide access to a parent and/or their representative under this section is
11 prima facie evidence that the school committee did not allow the parent and/or their
12 representative to meaningfully participate in the development of their child's educational
13 placement and/or programs.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would allow parents or guardians sufficient access to observe their child's special
- 2 education program in order to assess the child's performance in a current program.
- 3 This act would take effect upon passage.

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