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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Senators McKenney, Dimitri, Vargas, and Britto

Date Introduced: February 26, 2025

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-24-1 and 16-24-17 of the General Laws in Chapter 16-24 entitled
2 "Children With Disabilities [See Title 16 Chapter 97 — The Rhode Island Board of Education
3 Act]" are hereby amended to read as follows:

4 **16-24-1. Duty of school committee to provide special education.**

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

18 (c) For the purpose of this statute, a parentally placed child who has, or develops, a
19 disability in private school is defined as a child enrolled or placed in a private school by the

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

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

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

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

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

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

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

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

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

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

12 (h) Notwithstanding any provisions of subsections (a) through (g) of this section to the
13 contrary, effective July 1, 2025, for any child or student with a disability:

14 (1) Any school system that receives a student to provide special education services to that
15 student, sometimes referred to as the “receiving district,” shall report back to the home
16 municipality, sometimes referred to as the “sending district,” regarding the student’s status, on a
17 quarterly basis, or when a significant change in circumstances has occurred, including when a
18 student is no longer participating or matriculating in the program providing special education
19 services;

20 (2) In instances when the receiving district’s cost to provide those special education
21 services is lower than the per pupil expenditure of the sending district, the monetary amount that
22 the student’s home district shall be responsible for shall be limited to that lower cost; and

23 (3) In regard to transportation costs, the student’s home district shall be required to pay
24 only the actual cost of transportation of the student to the receiving district, notwithstanding any
25 provisions to the contrary in chapter 21.1 of title 16 (“transportation of school pupils beyond city
26 and town limits”).

27 (i)(1) The department of elementary and secondary education (the “department”) may
28 promulgate rules and regulations to implement the provisions of subsection (h) of this section while
29 ensuring the confidentiality of the student, the student’s identity, and such other matters as are
30 protected from public disclosure under state and federal law.

31 (2) The department may also provide recommendations to the general assembly on any
32 amendments the department deems necessary to implement and coordinate the provisions of
33 subsection (h) of this section with:

34 (i) The provisions governing education aid including, but not limited to, foundation

1 [education aid \(§ 16-7.2-3\) and categorical programs \(§16-7.2-6\) provided in chapter 7.2 of title 16](#)
2 [\(“the education equity and property tax relief act”\); and](#)
3 [\(ii\) The provisions governing payment and reimbursement of educational costs for students](#)
4 [residing or placed by the state in foster care, group homes, or other residential facilities as provided](#)
5 [in chapter 64 of title 16 \(“residence of children for school purposes”\).](#)

6 **16-24-17. Payment for services.**

7 No school district shall pay to any provider of either health or educational services to
8 children with disabilities under this title any charges in excess of the rate currently being charged
9 by the provider to any other public or private purchaser for the basic services, including any charges
10 for room and board, nor shall the school district pay any charges in excess of the rate currently
11 being charged by the provider to any other public or private purchaser for any other services deemed
12 necessary by the individual education program. The school districts may request from the provider
13 one hundred twenty (120) days prior to the start of their fiscal year a rate for services to be rendered
14 for the ensuing fiscal year and the providers shall not change the rates during the ensuing fiscal
15 year. [Effective July 1, 2025, in instances when the receiving district’s cost to provide those special](#)
16 [education services is lower than the per pupil expenditure of the sending district, the amount that](#)
17 [the student’s home district shall be responsible for shall be limited to that lower cost.](#)

18 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 provide for better communication between sending and receiving districts
2 regarding students receiving special education services. This act would also adjust the costs
3 between a sending and receiving district to educate and transport a student receiving special
4 education services.

5 This act would take effect upon passage.

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