

2012 -- H 7829

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LC01581
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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 -- CHILDREN WITH DISABILITIES

Introduced By: Representatives MacBeth, Tomasso, Jacquard, McLaughlin, and Menard

Date Introduced: February 28, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-1 of the General Laws entitled "State Department of Elementary
2 and Secondary Education" is hereby amended by adding thereto the following section:

3 **16-1-16. Transfer of due process hearings to the department of health. – (a)**
4 Notwithstanding any statute, law, rule or regulation to the contrary, the process of resolving
5 disputes relating to the identification, evaluation or educational placement of children with
6 disabilities and providing a free and appropriate education, as defined in section 16-24-1, known
7 as “due process” hearings, shall be transferred to the department of health.

8 (b) The director of the department of health shall implement regulations relating to all
9 hearing procedures and appeals, including, but not limited to, appointment of qualified hearing
10 officers, in strict accordance with state and federal law.

11 (c) All costs associated with the conduct of hearings pursuant to this section shall be
12 borne by the department of elementary and secondary education.

13 SECTION 2. Section 23-1-17 of the General Laws in Chapter 23-1 entitled "Department
14 of Health" is hereby amended to read as follows:

15 **23-1-17. Additional general powers. --** (a) In addition to the other powers given to the
16 director of health or the department of health by other provisions of the general laws, and in order
17 to permit the director to properly perform the duties given to him or her by the general assembly,
18 and to enforce the rules and regulations the director is authorized to promulgate and adopt, the
19 director is further authorized to promulgate and adopt rules and regulations for the establishment

1 of information collection, minimum sanitary requirements, and other duties given to the director
2 by section 23-1-1 or by any other provision of law, and to enforce those rules and regulations; and
3 the director is further authorized to promulgate and adopt rules and regulations relating to the
4 conduct of due process hearings relating to providing children with disabilities a free and
5 appropriate education, and other duties given to the director by section 16-1-16, or by any other
6 provisions of law, and to enforce those rules and regulations. The director is further authorized to
7 issue licenses or permits, and to revoke, suspend, or annul them, to aid in the enforcement of
8 those rules and regulations.

9 (b) In the event of a public health emergency, the director is authorized to grant a
10 temporary Rhode Island health care provider license for a period not to exceed ninety (90) days
11 and limited to those health care providers who hold an active valid license in another state. The
12 director is authorized to promulgate and adopt rules and regulations to establish a process for this
13 temporary emergency license.

14 SECTION 3. 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

- 1 This act would transfer “due process” hearings relating to the education of children with
- 2 disabilities from the department of elementary and secondary education to the department of
- 3 health.
- 4 This act would take effect upon passage.

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