

2020 -- S 2735

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LC005027
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO EDUCATION

Introduced By: Senator Melissa A. Murray

Date Introduced: March 04, 2020

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-24 of the General Laws entitled "Children With Disabilities [See
2 Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby amended by adding
3 thereto the following sections:

4 **16-24-19. IEP implementation accountability.**

5 (a)(1) On or before July 1, 2021, the department of elementary and secondary education
6 (the "department") shall promulgate rules and regulations which shall establish minimum
7 accountability standards which school districts shall be required to meet in order to be in
8 compliance with an individualized education program (referred to hereinafter in this section and §§
9 16-24-20, 16-24-21, and 16-24-22 as an "IEP"), 504 plans established pursuant to the Rehabilitation
10 Act of 1973 (29 U.S.C. §701 et seq.)(which plans are hereinafter referred to in this section and §§
11 16-24-20, 16-24-21, and 16-24-22 as "504 plans,") and related supports and services for students
12 with disabilities who are provided special education services pursuant to this chapter and federal
13 law, including, but not limited to, the Individuals with Disabilities Education Act (20 U.S.C.
14 Section 1400 et seq.), or provided accommodation services, or both.

15 (2) The purpose of these minimum accountability standards shall be to assist parents,
16 guardians, and caretakers of students with disabilities in participating with school districts
17 regarding the development, implementation, and modification of IEP documents, 504 plans,
18 supports, and services, as they pertain to the individual student. The minimum accountability
19 standards shall also assist school districts in meeting their obligations to students with disabilities

1 under both state and federal law.

2 (b) Commencing on December 1, 2021, the department shall conduct random audits of
3 school districts to ensure accountability and compliance by the school district with the
4 implementation of IEPs, 504 plans, and related supports and services for students of those school
5 districts. These audits shall include and assess the districts' compliance with the minimum
6 accountability standards required pursuant to this section. The audit shall include, but need not be
7 limited to, a review of IEP documents, 504 plans, and related supports, services, and evaluation
8 forms prepared pursuant to § 16-24-21.

9 (c) While it is not expected that every document on every student shall be reviewed, the
10 department shall review such number of documents as are determined to be statistically significant
11 in order to obtain a clear snapshot of how students with disabilities are being serviced by Rhode
12 Island schools.

13 **16-24-20. Ombudsperson for parents, guardians, and caretakers of students with**
14 **disabilities.**

15 (a) There is hereby established an ombudsperson for parents, guardians, and caretakers of
16 students with disabilities who are receiving special education services. The ombudsperson shall be
17 independent of the department of education and shall serve as an advocate, coordinator, and point
18 of contact for those parents, guardians, and caretakers of students with disabilities, when dealing
19 with school districts and the districts' compliance with the applicable IEP, 504 plans, supports,
20 services, and the minimum accountability standards as they pertain to the individual student. The
21 ombudsperson shall not undertake the actual audit but shall assist and refer parents, guardians, and
22 caretakers of children with disabilities to appropriate resources. The ombudsperson shall also serve
23 as an intermediary between and among the stakeholders and the department as to compliance
24 matters involving the audits and the minimum accountability standards required pursuant to this
25 chapter.

26 (b) The ombudsperson shall ensure all IEP documents, 504 plans, and related supports, and
27 services to students with disabilities are properly documented and implemented, and the goals and
28 objectives are being met, and that appropriate supports and services are being provided.

29 (c)(1) The ombudsperson shall have authority to inquire of, investigate, and review all
30 documents from any school, district, or special education department in this state.

31 (2) The ombudsperson shall review all documents relating to special education services,
32 504 plans, and related supports and services being provided to students throughout the state, and
33 ensure that proper documentation is being maintained by all schools and districts.

34 (3) The ombudsperson shall ensure protections and safeguards are provided to school staff.

1 To this end, all conversations between teachers and the ombudsperson shall be deemed confidential
2 and not subject to disclosure absent a court order.

3 (4) The ombudsperson shall implement measures to track and monitor district achievement,
4 success, and challenges in the implementation of IEPs, 504 plans, and related supports and services.

5 (5) The ombudsperson shall sit in on IEP meetings in schools throughout the state.

6 (6) The ombudsperson shall establish minimum compliance measures to ensure that copies
7 of all relevant documents which are discussed at any family meeting involving a student receiving
8 services pursuant to this chapter are given to the student's family at least three (3) days in advance
9 of any scheduled meeting at which these documents are to be discussed.

10 (d) On or before September 1, 2023, and annually on or before September 1 thereafter, the
11 ombudsperson shall prepare a report to the governor and the general assembly advising on the status
12 of services being provided to students with disabilities in Rhode Island schools.

13 This report shall also include an overview of the complaints being filed against schools by
14 families in regard to these services.

15 (e) As used in this chapter, the term "family" includes parents, legal guardians, and
16 caretakers of students with disabilities.

17 **16-24-21. Evaluations of process.**

18 (a) The department, in conjunction with the ombudsperson established pursuant to § 16-
19 24-20, shall develop an evaluation form to be provided to parents, guardians, and caretakers of
20 children with disabilities. The evaluation form shall be provided to parents, guardians, and
21 caretakers of children with disabilities after every meeting with representatives from the school
22 regarding a child with disabilities. The department shall make this form available on their website
23 and shall have such forms printed in the language of the ten (10) most commonly-used languages
24 in Rhode Island.

25 (b) The evaluation form shall be designed to allow parents, guardians, and caretakers of
26 children with disabilities to provide feedback on their experience, understanding, and level of
27 satisfaction with the processes involving IEPs, 504 plans, and related supports, and services. The
28 evaluation form shall also include sample or suggested questions that may be asked by parents,
29 guardians, and caretakers during this process.

30 (c) Schools shall ensure that any parents, guardians, and caretakers of children with
31 disabilities are given evaluation forms in a language understood by the person receiving the form.

32 (d) Persons receiving the evaluation forms shall be encouraged to return those forms to the
33 issuing school. Copies of the completed evaluation forms shall be retained in the student's file, and
34 shall also be distributed to the school's special education team chair or department head, as

1 applicable, and to the school district's director of special education.

2 (e) Schools shall review the forms and shall respond appropriately.

3 (f) Evaluation forms shall not be deemed to be public records pursuant to chapter 2 of title
4 38 ("access to public records act").

5 (g) The evaluation forms shall inquire regarding:

6 (1) Whether documents received by the family related to special education services were
7 given in a timely manner;

8 (2) The quality of the family's interaction with the parents;

9 (3) The family's level of confidence in the school or district's explanation, development,
10 and implementation of the IEP, 504 plan, or related supports and services.

11 (4) The family's level of confidence in the collaboration with their student's team
12 members;

13 (5) The family's satisfaction level that their voices were heard and that the family's
14 concerns were recognized by the district; and

15 (6) The family's level of confidence that there are avenues to address any concerns or
16 complaints the family may have in the future regarding their student.

17 **16-24-22. Progress reports.**

18 The department shall develop a model uniform checklist and progress report which schools
19 may issue to parents, guardians, and caretakers of children with disabilities to inform those persons
20 of the progress being made by their child in accordance with an IEP or 504 plan. The model uniform
21 checklist and progress report shall be posted on the department's website. Schools may, but shall
22 not be required to utilize the model progress report, but schools shall include all information
23 required on the uniform checklist within the schools' progress report. Provided, in the event that
24 information listed on the uniform checklist is not applicable to the particular student, the progress
25 report shall indicate it is not applicable. These progress reports and checklists shall not be deemed
26 to be public records pursuant to chapter 2 of title 38 ("access to public records act").

27 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

1 This act would direct the department of elementary and secondary education to promulgate
2 rules and regulations which would establish minimum accountability standards which school
3 districts would be required to meet in order to be in compliance with an individualized education
4 program for students with disabilities. The act would also establish an ombudsperson independent
5 of the department to serve as an intermediary and point of contact on these compliance matters.
6 The act would also direct that families be given forms to evaluate their level of confidence and
7 satisfaction with the schools in the processes being followed in regard to their student.

8 This act would take effect upon passage.

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