

2025 -- H 5838

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LC001574  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Representatives Kislak, Shallcross Smith, Slater, Sanchez, Boylan,  
Furtado, Fogarty, Cortvriend, Alzate, and Stewart  
Date Introduced: February 28, 2025

Referred To: House 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 section:

4           **16-24-1.3. Additional procedural safeguards for English as a second language**  
5 **learners and English language learners during the IEP process.**

6           (a) When conducting an evaluation pursuant to this chapter for a child who learns as an  
7 English as a second language (“ESL”) learner, or as an English language learner (“ELL”), school  
8 committees, districts, and individualized education program (“IEP”) teams shall consider the  
9 English language proficiency of the student. Assessments and other evaluation materials used to  
10 evaluate a child shall be provided and administered in the child’s primary language and in the form  
11 most likely to yield accurate information on what the child knows and can do academically,  
12 developmentally, and functionally. The IEP team, as defined by the regulations of the department  
13 of elementary and secondary education, that is convened for an English learner shall include a  
14 participant who has requisite knowledge of the student’s language needs and shall also include  
15 participants with training and expertise in second language acquisition and an understanding of  
16 how to differentiate between the student’s limited English proficiency and the student’s disability.  
17 Whenever an evaluation indicates that a child who is an English learner is also a school aged child  
18 with a disability, the IEP team shall ensure that the IEP includes services to meet both the English  
19 language and special education needs of the child.

1           **(b) School districts shall not recommend that parents decline all or some services within**  
2 **an English learner program for any reason, including facilitating scheduling of special education**  
3 **services or other scheduling reasons.**

4           **(c) The department of elementary and secondary education (the “department”) shall ensure**  
5 **meaningful communication between school personnel and parents and legal guardians of all**  
6 **students receiving educational services pursuant to this chapter. The department shall ensure that**  
7 **interpreters and translators used in public school settings are bilingual, have knowledge in both**  
8 **languages of any specialized terms or concepts to be used in the communication at issue, and that**  
9 **interpreters are trained on the role of an interpreter and translator, the ethics of interpreting and**  
10 **translating, and the need to maintain confidentiality.**

11           **(d) The department shall promulgate rules and regulations to implement the provisions of**  
12 **this section including, but not limited, to addressing any academic deficits resulting from focusing**  
13 **on English language acquisition within a reasonable amount of time. The department shall also**  
14 **promulgate regulations to continue in effect and enforce the provisions of 20 USC §1415(k) in**  
15 **effect on January 1, 2025.**

16           SECTION 2. 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

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- 1 This act would provide additional procedural safeguards for English as a second language
- 2 learners and English language learners during the IEP process.
- 3 This act would take effect upon passage.

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