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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: Senators Valverde, DiPalma, Acosta, Patalano, Zurier, DiMario, Lauria,
Thompson, Murray, and Quezada

Date Introduced: February 13, 2025

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Findings of fact.

2 The General Assembly hereby finds and declares the following:

3 (1) Rhode Island is committed to delivering high-quality services to support positive early
4 childhood development and learning of children with developmental delays and disabilities under
5 Part C and Part B, Section 619 of the federal Individuals with Disabilities Education Act ("IDEA"),
6 20 U.S.C. S 1400 et seq., from infancy to kindergarten entry.

7 (2) Early identification and delivery of high-quality early childhood IDEA services to
8 children with developmental challenges, developmental delays, and disabilities can improve
9 educational outcomes, reduce long-term costs of special education, and maximize the long-term
10 potential of children succeeding in school and life.

11 (3) Nationally, young children with disabilities and delays and their families face
12 challenges with accessing inclusive early childhood services individualized to their needs in all
13 settings, particularly young children of color.

14 (4) Effective early childhood IDEA services can help children make substantial
15 developmental progress. Research has shown that about one-third of children who receive timely
16 Early Intervention services no longer had a developmental delay or special education need in
17 kindergarten.

18 (5) The Rhode Island Early Intervention program established pursuant to § 23-13-23,
19 currently managed by the R.I. Executive Office of Health and Human Services, is the state's

1 comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention
2 services for infants and toddlers with developmental delays and disabilities and their families, as
3 described and partially funded through Part C of the federal Individuals with Disabilities Education
4 Act.

5 (6) In Rhode Island, after twenty (20) years without a Medicaid rate increase, Early
6 Intervention financing and staffing challenges became so severe that in November 2021 the state
7 established a waiting list for Early Intervention services. As of January 2025, even after two
8 Medicaid rate increases, the Early Intervention program was still not fully staffed and there were
9 283 infants and toddlers who had been waiting for an Early Intervention evaluation for more than
10 45 days.

11 (7) The Rhode Island Department of Elementary and Secondary Education oversees the
12 state's early childhood special education services providing free, appropriate, public education to
13 all eligible children ages three (3) to five (5) with developmental delays and disabilities, partially
14 funded through a preschool formula grant under Part B, Section 619 of IDEA.

15 (8) In Rhode Island in 2022-2023, school districts completed developmental screenings for
16 only thirty-six percent (36%) of children ages three (3) to kindergarten entry. More than one-third
17 (1/3) of children ages three (3) to kindergarten entry who were referred to a school district with
18 developmental concerns were not evaluated to determine eligibility for special education.

19 (9) There is significant variation by school district in the percentage of children ages three
20 (3) to kindergarten entry who receive their early childhood special education services in a general
21 early childhood class. For example, ninety-five percent (95%) of children in East Greenwich
22 received their IEP services in an inclusive setting as of June 2023 compared to only thirty-eight
23 percent (38%) of children in the city of Providence.

24 (10) In March 2023, school districts in Rhode Island, particularly Providence Public
25 Schools, began reporting significant staffing challenges that were causing delays and disruptions
26 in delivering early childhood IDEA services to children ages three (3) to kindergarten entry.

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

30 **16-24-20. Early childhood IDEA services task force established.**

31 (a) As used in this section, the term "IDEA" refers to the Individuals with Disabilities
32 Education Act, as amended, 20 U.S.C. §1400 et seq.

33 (b) There shall be created an early childhood IDEA services task force (the "task force")
34 co-chaired by:

- 1 (1) The commissioner of elementary and secondary education, or designee;
- 2 (2) The secretary of the executive office of health and human services (“EOHHS”), or
3 designee;
- 4 (3) The president of the RI Chapter of the American Academy of Pediatrics, or designee;
- 5 (4) The executive director of Parents Leading for Educational Equity, or designee; and
- 6 (5) The executive director of Rhode Island Kids Count, or designee.
- 7 (c) The task force shall have the following additional members:
- 8 (1) Three (3) parents of children with developmental delays or disabilities ages birth to
9 kindergarten entry, one each to be appointed by the executive director of Parents Leading for
10 Educational Equity, the Rhode Island Parent Information Network, and the Autism Project;
- 11 (2) The executive director of the Rhode Island Parent Information Network (“RIPIN”), or
12 designee;
- 13 (3) The executive director of The Autism Project, or designee;
- 14 (4) The executive director of the Rhode Island Developmental Disabilities Council, or
15 designee;
- 16 (5) One superintendent of a Rhode Island school district providing IDEA services to
17 children ages three (3) to kindergarten entry, to be appointed by the Rhode Island School
18 Superintendents Association;
- 19 (6) One early childhood special education coordinator of a Rhode Island school district
20 responsible for IDEA services for children ages three (3) to kindergarten entry, to be appointed by
21 the Association for Rhode Island Administrators of Special Education;
- 22 (7) One leader of a certified early intervention program to be appointed by the Rhode Island
23 Association of Early Intervention Programs;
- 24 (8) One Early Head Start or Head Start program leader to be appointed by the Rhode Island
25 Head Start Association; and
- 26 (9) One leader of a licensed early care and education programs that serves children ages
27 birth to kindergarten entry with developmental delays or disabilities who receive a subsidy from
28 the RI child care assistance program, to be appointed by the co-chairs of the Rhode Island
29 permanent legislative commission on child care.
- 30 (d) The task force shall be convened within thirty (30) days after the executive office of
31 human services has secured funding in the amount of two-hundred fifty thousand dollars
32 (\$250,000) to support the task force, and expert consultants have been hired to support the work of
33 the task force. Immediately upon obtaining sufficient funding, the EOHHS shall notify, in writing,
34 the governor, the speaker of the house, the president of the senate, and the chairperson of the

1 children's cabinet established pursuant to §42-72.5-1, that the required funding has been secured.
2 The task force shall be convened and staffed by the children's cabinet which shall also oversee the
3 experts selected to facilitate the development of a plan to improve the delivery of early childhood
4 IDEA services for children with developmental delays and disabilities from infancy through
5 kindergarten entry.

6 (e) The task force shall meet for and over a period of eighteen (18) months which period
7 shall commence the day following the date the EOHHS provides the written notice that the required
8 funding has been secured, pursuant to subsection (d) of this section. The task force shall seek input
9 from the Rhode Island early learning council, the early intervention interagency coordinating
10 council established pursuant to § 23-13-23, and other stakeholders, to develop recommendations
11 which shall be finalized through consensus decision-making among members of the task force, or,
12 if consensus is not possible, through a majority vote among members of the task force with the
13 report specifying major areas of disagreement among task force members.

14 (f) The task force shall submit an interim report within twelve (12) months after the initial
15 convening of the task force to the governor, speaker of the house, president of the senate, and the
16 chairs of the house and senate finance and education committees, that shall include
17 recommendations regarding immediate strategies to stabilize and improve young children's access
18 to early childhood IDEA services, including specific recommended strategies to address staffing
19 challenges that have been delaying and disrupting the provision of early childhood IDEA services.

20 (g) The task force shall submit a final report within eighteen (18) months after the initial
21 convening to the governor, speaker of the house, president of the senate, and the chairs of the house
22 and senate finance and education committees, which shall include recommendations to stabilize
23 and improve young children's access to early childhood IDEA services in the state. The
24 recommendations shall address, but need not be limited to:

25 (1) Suggested updates to Rhode Island general laws and regulations to promote the early
26 identification, evaluation, eligibility determination, and consistent delivery of high-quality IDEA
27 services to young children from birth through kindergarten entry, with attention to equitable access
28 for historically and currently marginalized populations;

29 (2) Cost estimates and recommended funding and staffing strategies to ensure the timely
30 provision of high-quality early childhood IDEA services by qualified educators and professionals
31 in natural and inclusive settings with sufficient dosage and duration. The task force shall review a
32 variety of financing options including modifications to the state education funding formula,
33 categorical funding administered by the department of education, local funding, federal IDEA
34 funding, and billing through Medicaid and commercial insurance. Recommendations shall include

1 methods to adjust funding annually to meet demand and to ensure program costs are covered
2 including competitive compensation to attract and retain qualified staff;

3 (3) Removal of barriers and expanding access to education and training to increase the
4 number of qualified professionals and the diversity of the early childhood IDEA workforce,
5 including designing and funding an education pipeline to help bilingual people and people of color
6 earn degrees, credentials, and professional licenses needed to deliver high-quality early childhood
7 IDEA services;

8 (4) An implementation plan and cost estimates to establish and maintain an ongoing
9 multilingual public awareness and outreach campaign to educate families with children from birth
10 through kindergarten entry about developmental delays and disabilities and how to access early
11 childhood IDEA services;

12 (5) An implementation plan and cost estimates to establish and maintain a multilingual
13 family resource center for families with children from birth through kindergarten entry who need
14 help getting evaluations, starting, or maintaining access to early childhood IDEA services;

15 (6) Strategies and action steps to ensure at least eighty percent (80%) of young children
16 from infancy to kindergarten entry receive developmental screenings and all referrals for children
17 who need follow-up IDEA eligibility evaluations are monitored;

18 (7) Strategies to ensure children receive early childhood IDEA services in natural
19 environments and least restrictive environments including community-based early care and
20 education settings chosen by families for children from infancy to kindergarten entry, which may
21 or may not be located in the same municipality where families reside;

22 (8) Strategies to maximize continuity and minimize disruption of IDEA services for
23 children from infancy through entry to kindergarten; and

24 (9) Strategies to enable community-based early care and education programs to hire and
25 retain sufficient qualified staff to support the enrollment, attendance, and full inclusion of young
26 children with special health care needs, developmental delays, and disabilities.

27 SECTION 3. The executive office of health and human services ("EOHHS"), is directed to
28 pursue federal funding opportunities to secure two hundred fifty thousand dollars (\$250,000) for
29 the support of the early childhood IDEA services taskforce, established under chapter 24 of title 16
30 ("Children with Disabilities"), to secure experts to facilitate the development of a plan to improve
31 the delivery of early childhood Individuals with Disabilities Education Act ("IDEA") services for
32 children with developmental delay and disabilities from infancy through kindergarten entry. This
33 work shall include gathering information through focus groups and interviews with families of
34 young children and frontline professionals working in early intervention and early childhood

1 special education to understand the challenges that cause disruptions and delays in providing high-
2 quality early childhood IDEA services. EOHHS shall provide written updates to the governor, the
3 speaker of the house, and the senate president every six (6) months about the status of efforts to
4 secure federal funding and convene the task force, and shall also provide written notice to the same
5 persons immediately upon securing the federal funding. The task force shall be convened within
6 thirty (30) days after funding is secured and expert consultants have been hired to support the work
7 of the task force.

8 SECTION 4. 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 establish a public-private task force managed by the children's cabinet to
2 develop recommendations with cost estimates that, when implemented, would improve access to
3 high-quality early intervention and early childhood special education services for children with
4 developmental delays and disabilities from birth up to kindergarten entry. This act would further
5 direct the Executive Office of Health and Human Services to seek \$250,000 in federal funding to
6 support the work of the task force over an eighteen (18) month period.

7 This act would take effect upon passage.

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