

Rhode Island Adopts New Special Education Regulations

On December 19, 2007, the Rhode Island Board of Regents for Elementary and Secondary Education approved new state special education regulations. A copy of these is available at: http://www.ride.ri.gov/Special_Populations/State_federal_regulations/special_education_regulations_2008.pdf

Highlights of Changes:

- **Child with a Disability:** School districts can use developmentally delayed as a special education disability eligibility for children three through eight.
- **Related Services Definition:** Related services do not include surgically implanted devices, including cochlear implants. Related services also includes school health services and school nurse services.
- **Speech and Language Pathology Services, Sections 300.34(15) and 300.39(a)(2)(i);** Speech and language pathology services shall remain a special education service for children three through eight, “speech-only” Individualized Education Program(IEP). Speech and language as a related service is available as identified through the IEP process for children three through twenty-one.
- **Transition Services:** Transition goals must be developed using appropriate measurable post school goals based upon age appropriate transition assessments. LEAs are not required to evaluate a child before termination of a child’s eligibility due to graduation from a secondary school or due to exceeding the age eligibility for FAPE. However, LEAs shall provide a Summary of Performance, when a child graduates with a regular diploma, exceeds the age eligibility for FAPE, or exits school.
- **Extended School Year (ESY) Services, Section 300.106:** In accordance with IDEA, ESY services identified in an IEP developed after June 30, 2008, must be provided when a child’s IEP Team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE).

Local Education Agency (LEA) may not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of those services. ESY services are special education and related services provided to a child with a disability beyond the normal school year of the LEA. LEAs need to meet ESY standards adopted by the Board of Regents.



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Highlights of Changes continued:

- **Children with Disabilities** enrolled by their parents in private schools (includes parochial schools): will continue to receive FAPE from the district where the child resides as well as a service plan from the district where the private school is located through the 2008-2009 school year. As of July 1, 2009, children with disabilities enrolled by their parents in private schools will receive services through a service plan based on proportionate share only.
- **Parental Consent to bill Public Insurers, including Medicaid, Section 300.154:** LEAs must obtain written, informed parental consent in order to seek reimbursement from Medicaid for the services identified in an eligible child's IEP.
- **Personnel Requirements, Section 300.157:** Caseloads and class size must be determined based on students' needs in accordance with a district staffing policy and plan.
- **Individualized Education Program (IEP) Requirements, Sections 300.320 through 300.324:** The changes in these sections have resulted in the development of new IEP forms: a form for Children 3-14; and a form for Children 14-21. The effective date for using these new forms is July 1, 2008.
- **Resolution Process:** The LEA must convene a meeting with the parents and appropriate member(s) of the IEP team within 15 days of receiving notice of a due process complaint. The purpose of this meeting is to resolve the issue of the complaint instead of completing the complaint process

Please call the RIPIN Resource Center for more information or with questions regarding the new Rhode Island special education regulations.

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