

2024 -- H 7438

LC004774

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES

Introduced By: Representatives Carson, Donovan, Giraldo, Casimiro, Shallcross Smith,
Fogarty, Diaz, and Cotter

Date Introduced: February 02, 2024

Referred To: House Education

(by request)

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 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 § 23-13-22,
19 currently managed by the RI 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.

8 (7) Even with a forty-five percent (45%) Medicaid rate increase enacted in the FY 2023
9 state budget, the number of children waiting for Early Intervention services continued to grow
10 through November 2022. Between November 2022 and February 2023, the state transferred 1,171
11 infants and toddlers from the state waiting list to referral lists managed by the nine certified Early
12 Intervention programs and removed 382 children when the family declined the referral or did not
13 respond to outreach. In June 2023, there were 691 infants and toddlers and in September 2023,
14 there were 862 infants and toddlers waiting for an Early Intervention evaluation. In November
15 2023, there were 716 infants and toddlers who had been waiting more than forty-five (45) days.

16 (8) The Rhode Island Department of Education oversees the state's early childhood special
17 education services providing free, appropriate, public education to all eligible children ages three
18 to five with developmental delays and disabilities, partially funded through a preschool formula
19 grant under Part B, Section 619 of IDEA.

20 (9) In Rhode Island in 2021-2022, school districts completed developmental screenings for
21 only thirty percent (30%) of children ages three to kindergarten entry. Almost forty percent (40%)
22 of children ages three to kindergarten entry who were referred to a school district with
23 developmental concerns were not evaluated to determine eligibility for special education.

24 (10) There is significant variation by school district in the percentage of children ages three
25 to kindergarten entry who receive their early childhood special education services in a general early
26 childhood class. For example, one hundred percent (100%) of children in East Greenwich received
27 their IEP services in an inclusive setting as of June 2022 compared to only twenty-eight percent
28 (28%) of children in Pawtucket.

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

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

1 **16-24-20. Early childhood IDEA services task force established.**

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

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

6 (1) The commissioner of elementary and secondary education, or designee;

7 (2) The secretary of the executive office of health and human services, or designee;

8 (3) The president of the RI Chapter of the American Academy of Pediatrics, or designee;

9 (4) The executive director of Parents Leading for Educational Equity, or designee; and

10 (5) The executive director of Rhode Island Kids Count, or designee.

11 (c) The task force shall have the following additional members:

12 (1) Three (3) parents of children with developmental delays or disabilities ages birth to
13 kindergarten entry, one each to be appointed by the executive director of Parents Leading for
14 Educational Equity, the Rhode Island Parent Information Network, and the Autism Project;

15 (2) The director of the department of health, or designee;

16 (3) The commissioner of postsecondary education, or designee;

17 (4) The executive director of the Rhode Island parent information network ("RIPIN"), or
18 designee;

19 (5) The executive director of The Autism Project, or designee;

20 (6) The executive director of The Arc Rhode Island, or designee;

21 (7) The executive director of the Rhode Island Association for the Education of Young
22 Children, or designee;

23 (8) The executive director of the Paul V. Sherlock Center on Disabilities at Rhode Island
24 College, or designee;

25 (9) The executive director of the Rhode Island Developmental Disabilities Council, or
26 designee;

27 (10) The chair of the early intervention interagency coordinating council, or designee;

28 (11) Two (2) superintendents of Rhode Island school districts providing IDEA services to
29 children ages three (3) to kindergarten entry, at least one of whom is a superintendent of a core city
30 school district (defined as Providence, Central Falls, Pawtucket, and Woonsocket), to be appointed
31 by the RI School Superintendents Association;

32 (12) Two (2) early childhood special education coordinators of Rhode Island school
33 districts responsible for IDEA services for children ages three (3) to kindergarten entry, at least one
34 of whom is a program administrator of a core city school district, to be appointed by the Association

1 for Rhode Island Administrators of Special Education;

2 (13) Two (2) leaders of certified early intervention programs to be appointed by the RI
3 Association of Early Intervention Programs;

4 (14) One Early Head Start or Head Start program leader to be appointed by the RI Head
5 Start Association; and

6 (15) Two (2) leaders of licensed early care and education programs that serve children ages
7 birth to kindergarten entry with developmental delays or disabilities who receive a subsidy from
8 the RI Child Care Assistance Program, at least one of whom leads a program located in a core city,
9 to be appointed by the Co-Chairs of the RI Permanent Legislative Commission on Child Care.

10 (d) The task force shall be convened and staffed by the RI Children's Cabinet which shall
11 also oversee the experts selected to facilitate the development of a plan to improve the delivery of
12 early childhood IDEA services for children with developmental delays and disabilities from infancy
13 through kindergarten entry.

14 (e) The task force shall seek input from the RI Early Learning Council, the early
15 intervention interagency coordinating council § 23-13-23, and other stakeholders, to develop
16 recommendations which shall be finalized through consensus decision-making among members of
17 the task force, or, if consensus is not possible, through a majority vote among members of the task
18 force with the report specifying major areas of disagreement among task force members.

19 (f) On or before December 15, 2024, the task force shall submit an interim report to the
20 governor, speaker of the house, president of the senate, and the chairs of the house and senate
21 finance and education committees, that shall include recommendations regarding immediate
22 strategies to stabilize and improve young children's access to early childhood IDEA services,
23 including specific recommended strategies to address staffing challenges that have been delaying
24 and disrupting the provision of early childhood IDEA services.

25 (g) On or before October 1, 2025, the task force shall submit a final report to the governor,
26 speaker of the house, president of the senate, and the chairs of the house and senate finance and
27 education committees, which shall include recommendations to stabilize and improve young
28 children's access to early childhood IDEA services in the state. The recommendations shall address,
29 but need not be limited to:

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

34 (2) Cost estimates and recommended funding and staffing strategies to ensure the timely

1 provision of high-quality early childhood IDEA services by qualified educators and professionals
2 in natural and inclusive settings with sufficient dosage and duration. The task force shall review a
3 variety of financing options including modifications to the state education funding formula,
4 categorical funding administered by the department of education, local funding, federal IDEA
5 funding, and billing through Medicaid and commercial insurance. Recommendations shall include
6 methods to adjust funding annually to meet demand and to ensure program costs are covered
7 including competitive compensation to attract and retain qualified staff;

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

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

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

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

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

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

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

32 SECTION 3. RESOLVED, That there is hereby appropriated, out of any money in the
33 treasury not otherwise appropriated for the fiscal year 2024-2025, the sum of two hundred fifty
34 thousand dollars (\$250,000) to the executive office of health and human services ("EOHHS"), to

1 and for the support of the children's cabinet, established under chapter 72.5 of title 42 ("children's
2 cabinet"), to secure experts to facilitate the development of a plan to improve the delivery of early
3 childhood individuals with disabilities education act ("IDEA") services for children with
4 developmental delay and disabilities from infancy through kindergarten entry. This work shall
5 include gathering information through focus groups and interviews with families of young children
6 and frontline professionals working in early intervention and early childhood special education to
7 understand the challenges that cause disruptions and delays in providing high-quality early
8 childhood IDEA services. The state controller is hereby authorized and directed to draw orders
9 upon the general treasurer for the payment of said sum, or so much thereof as may from time to
10 time be required, upon receipt of properly authenticated vouchers.

11 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, will 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 and would appropriate
5 two hundred fifty thousand dollars to the children's cabinet for this purpose.

6 This act would take effect upon passage.

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