

RESOLUTION OF THE CITY COUNCIL

No. 347

Approved June 10, 1998

RESOLVED, That the City Council hereby endorses and urges
passage by the General Assembly of House Bill 98-H 8693, relating to
Handicapped Children, in substantially the form attached.

IN CITY COUNCIL
JUN 4 1998
READ AND PASSED
Ernest V. Fargnoli
PRES.
Michael R. Clement
CLERK

APPROVED
JUN 10 1998
Vincent A. Cianci
MAYOR

THE COMMITTEE ON

States Legislation
Recommends *Passage*

Barton C. Sullivan
Clerk

6/1/28

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LC02885
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

98-H 8693

JANUARY SESSION, A.D. 1998

AN ACT

RELATING TO HANDICAPPED CHILDREN

98-H 8693

Introduced By: Rep. Susan IannitelliDate Introduced: February 26, 1998Referred To: Committee on Finance

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 16-24-6 of the General Laws in Chapter 16-24 entitled
2 "Handicapped Children" is hereby amended to read as follows:
- 3 16-24-6. Special education fund -- Allocations to communities. -- (a) The state shall
4 make available to the communities a special education fund to be appropriated annually for
5 allocation to the communities for noncapital expenses for special education of handicapped
6 children in accordance with the regulations of the board of regents for elementary and secondary
7 education. The cost of special education, including evaluation, support services, and training,
8 including the cost of special education personnel, materials and equipment, tuition,
9 transportation, rent, and contractual services, of the children in the program continuum
10 placements provided under section 16-24-2 shall be paid by the state to the city or town at the
11 same times provided in section 16-7-17 based on the financial and census data for the second
12 school year preceding; provided, however, that the amount of the payment for special education
13 pupils in each of the particular program placements shall not exceed one hundred and ten percent
14 (110%) of the state median for special education pupils in that same placement. In determining
15 the applicable state median expenditure for special education pupils for the purpose of this
16 section, the board of regents shall under section 16-24-2 differentiate between types of program
17 continuum placements on the basis of the amount of time a child requires special programs
18 outside of the regular classroom to meet his or her particular needs, the ratio of personnel to

1 pupils required for the programs, and the efficiency and economy of operating the programs. The
2 board of regents may distribute the payments through the cooperative service arrangements
3 provided for under chapter 3.1 of this title. The payments shall be made only after approval and
4 certification by the board of regents that the payments are made pursuant to this section, that cost
5 of special education has been determined and reported in accordance with the standard
6 accounting and reporting procedures provided for in subdivision (3) of section 16-24-2, and that
7 the program placements have met the regulations and requirements prescribed by the board of
8 regents. The auditor general shall audit these payments and report in writing any exceptions to
9 the board of regents and to the joint committee on legislative services.

10 (b) The commissioner of elementary and secondary education shall make a continuous
11 evaluation of the operation of this section and at least once every three (3) years the board of
12 regents for elementary and secondary education shall review the findings of the commissioner
13 and shall make its recommendations in writing to the governor and to the general assembly.

14 (c) The general assembly shall appropriate to the board of regents for elementary and
15 secondary education out of any money in the treasury not otherwise appropriated for the fiscal
16 year 1979-1980 the sum of thirteen million dollars (\$13,000,000), and for the fiscal year 1980-
17 1981, and each fiscal year thereafter such sum as needed to carry out the purpose of this section;
18 provided, however, that for each fiscal year following 1987-1988, the total appropriation for this
19 purpose shall not be less than eight percent (8%) over the appropriation for the preceding fiscal
20 year. For each fiscal year commencing 1992-1993, the total appropriation for this purpose shall
21 not be less than one hundred percent (100%) of the approved special education excess
22 expenditures. All entitlements except those in section 16-24-6.2 shall be ratably reduced if less
23 than one hundred percent (100%) of the expenditures is appropriated. Provided, however, when a
24 child entitled to special education pursuant to section 16-24-1 moves into a city or town after a
25 school committee, or other appropriate local authority, adopts its school budget, the state, upon
26 request and certification of the school committee or other appropriate local authority, shall make
27 an additional appropriation to the city or town to fund the special education needs of the child for
28 that school year only. The state controller is hereby authorized and directed to draw his or her
29 orders upon the general treasurer for the payment of the sum or so much thereof as may be
30 required from time to time upon receipt by the controller of properly authenticated vouchers.

31 (c) This chapter contemplates that expenses for special education for handicapped
32 children will be determined in accordance with standard accounting and reporting procedures

1 required pursuant to section 16-24-2(3), and will be separable from expenses with respect to
2 which state financial support is provided in section 16-7-20; the same expenses may not be
3 counted twice, that is once for the purpose of section 16-7-20 and again for the purpose of this
4 chapter. The allocations herein are subject to review and adjustment by the auditor general on the
5 basis of more accurate census or other data which may be obtained by him or her.

6 (c) The department of elementary and secondary education shall deduct and retain the
7 sum of two hundred thousand dollars (\$200,000) from the amount appropriated under subsection
8 (c) of this section. This sum, which will serve as the state match to federal funds, shall be used
9 by the department of elementary and secondary education to enter into an agreement with the
10 division of vocational rehabilitation to procure the services of vocational rehabilitation
11 counselors for special education students in the public schools, and the agreement shall be
12 subject to the approval of the commissioner of elementary and secondary education.

13 SECTION 2. This act shall take effect upon passage.

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98-H 8693

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO HANDICAPPED CHILDREN

1 This act provides that the state shall provide funding for the special education needs of a
2 child who moves into a city or town after the school committee adopts its budget for the school
3 year. The additional funding shall be for that school year only.

4 This act would take effect upon passage.

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