



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
 Nellie M. Gorbea, *Secretary of State*

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

**Education, Board of**  
 255 Westminster Street

**2. Title of Rule**

Regulations Governing the Education of Children with Disabilities

**3. Statutory Source of Authority**

R.I.G.L. 16-24-1

**4. Concise Explanatory Statement - §42-35-2.6**

In February 2013, the U.S. Office of Special Education and Rehabilitative Services published the final regulations under the Individuals with Disabilities Act (IDEA) to amend the use of public benefits or insurance in providing educational services. Federal regulations now permit public agencies to access a child's or parent's public benefits or insurance (e.g., Medicaid) by providing prior written notification to the child's parents the first time benefits or insurance are accessed and annually thereafter. Federal regulations previously required notification each time public agencies sought to access the benefits or insurance. Under the new federal regulations, the written notification must meet certain requirements to ensure that parents can make an informed decision regarding whether to allow a public agency to use their child's public benefits or insurance to pay for services for their child under IDEA. To implement the federally-authorized streamlined approach to accessing Medicaid reimbursement, it is necessary to revise section 300.154(d) of the RI Regulations Governing the Education of Children with Disabilities. That section sets forth the previous, transaction-based federal notification provision. The proposed revision incorporates the federal language, including the requirements to ensure informed authorizations. Two other revisions to the RI Regulations Governing the Education of Children with Disabilities are included in this Proposed Rule-Making. First, the time limitation to appeal a due process hearing decision in section 300.516(b) is revised to reflect a Rhode Island federal district court decision. And second, the timeline for an expedited due process hearing in section 300.532(c) is adjusted to accommodate certain procedural requirements in the regulations and to ensure that a decision is rendered in expedited fashion.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-2.10

- Adoption  
 Amendment of ERLID:  
 Repeal of ERLID:

A2. Emergency 60-day renewal - §42-35-2.10

- Adoption  
 Amendment  
 Repeal

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-2.10:

**Final Rules**

B1. Amendment - §42-35-3(a)

B2. Adoption - §42-35-3(a)

B3. Repeal - §42-35-3(a)

C. Technical Revision

D. Direct Final Rule - §42-35-2.11

Supersedes ERLID: 6746

If B1 or C, please indicate new, amended, deleted, or revised sections:

Section 300.154(d); Section 300.516(b); Section 300.532(c)

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-2.8:07/17/2013

Date of Public Hearing - §42-35-2.8:Hearing Not Required

End of Comment Period - §42-35-2.8 :08/17/2013

**7. Agency Additional Information - Web Page**

http://

**8. Certification**

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true

*copies of this Department, attest,*

\_\_\_\_\_

Name

\_\_\_\_\_

Title

\_\_\_\_\_

Notary Public

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ERLID#: 7377