

March 13, 2024

The Honorable Joseph M. McNamara
Chair, House Committee on Education
State House
Providence, RI 02903

Re: Testimony in SUPPORT of H-7721

Chair McNamara:

RIPIN thanks the House Committee on Education for the opportunity to submit this testimony in support of H-7721. RIPIN has been the federally designated parent center for special education in Rhode Island since 1991. Every year, we provide one-on-one support in navigating special education to approximately 1,500 families, support families at more than 500 IEP meetings, and reach thousands more through hour educational workshops and on-demand online videos. RIPIN is “peer led,” which means that most of our board and most of our staff are parents or caregivers to a loved one with a disability. H-7221 will help parent engage meaningfully in the IEP process by:

- ✓ Requiring schools to share evaluation reports and other important documents with parents in advance of IEP meetings;
- ✓ Giving parents the right to observe placements proposed for their children; and
- ✓ Restoring the requirement to obtain written parental consent before implementing changes to a student’s IEP.

At a high level, this bill is very similar to H-5772 from the 2023 session. Digging into the details, however, this year’s bill contains many improvements **designed to make it easier for schools to implement these best practices**. These changes are the result of **extensive and productive discussions with stakeholders** such as the Association of Rhode Island Administrators of Special Education (ARIASE), the Rhode Island School Superintendents’ Association (RISSA), the Rhode Island Department of Education (RIDE), and other parent advocates. We would especially like to thank ARIASE for the time and effort they have put into improving this bill, and for their collaborative approach.

As **compared to last year’s bill**, this year’s version:

- Reduces the time before an IEP meeting that schools must send evaluations to parents from 7 calendar days to 3 calendar days.
- Extends schools’ timeline for completing evaluations and convening meetings from the current 60 calendar days to 63 calendar days.
- Clarifies that the right to observe proposed placements is (1) only available upon parent request, (2) subject to reasonable limitations from schools when they have concerns about program integrity, safety, or confidentiality, and (3) does not apply to 45-day emergency placements in interim alternative settings under 34 CFR 300.530(g).
- Clarifies unambiguously that schools do not need to chase parents for signatures. The bill requires to parents to take affirmative action if they want to express a lack of consent with proposed IEP changes.
- Shortens the time during which parents can review the proposed IEP and decide whether to object to changes, from 30 days to 10 school days.





- Gives RIDE two and a half years (rather than six months) to issue harmonizing regulations and contemplates a more robust regulatory review and public engagement process.
- Removes some extraneous provisions that duplicated federal law, and removes the provisions cleaning up antiquated language describing developmental disabilities (which were cleaned up by another successful bill last year).

The IEP process envisioned in this bill is compatible with the Individuals with Disabilities Education Act (IDEA), the federal law that governs special education. Some combination of these three measures in effect in many States, and all three are currently in effect in Massachusetts. The rule requiring parent consent before IEP changes was in effect in Rhode Island too until roughly 2008.

Under the IDEA, a student's IEP is meant to be developed through a collaborative process by an IEP team comprised of the student's parents, educators, administrators, service providers and other experts. The IEP team works together to develop a set of goals for the student and identify the necessary supports and programs that the student needs to reach those goals. The IEP is reviewed at least once a year and revised according to the student's current needs.

We regularly hear from parents who describe feeling like spectators at their child's IEP meetings. At these meetings, parents are often overwhelmed with a raft of information about their child that they are seeing for the first time. They are expected to digest this information while simultaneously being presented with the school's proposals for their child's special education and related services for the entire year, all within a span of about 50 minutes. Although the parent is, under the law, meant to be an equal member of the IEP team, one can understand how a parent in this situation would feel ill-equipped to contribute meaningfully to this important conversation about their child's education.

Parents we work with are also often surprised to learn that although they have the right to be notified of and participate in IEP meetings, the school can implement changes to their child's IEP even when the parent disagrees with those changes. At this point, the parent's only recourse is to initiate dispute resolution—a process that can be time-consuming, difficult to navigate, and usually involves expensive attorney fees. If the parent fails to file an appeal, for example if they can't afford legal help, then the school can implement the changes even if the parent disagrees.

This legislation would require that schools obtain written informed consent from the student's parent or guardian before any proposed IEP changes could take effect. Parents could consent in whole or in part, and withholding consent from any aspect of the IEP would not prevent the implementation of any mutually agreed changes. Schools would still have the right to seek dispute resolution as they do now.

This legislation would also guarantee that parents have the opportunity to review important documents, such as evaluation reports, at least three calendar days prior to an IEP meeting as well as the opportunity to observe proposed placements for their child before making a decision about those placements. If a school has concerns about observations of proposed placements compromising privacy, safety, or program integrity, then they merely have to let the parent know in writing and offer them the opportunity to visit when no students are present.

RIPIN believes that the IEP process changes outlined in this legislation will enable parents to participate more meaningfully in the IEP process by giving them timely access to the information they



need to give their informed consent and engaging them as true partners. We respectfully ask this committee to support passage of H-7721.

Thank you for your consideration of these comments. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sam Salganik", written in a cursive style.

Samuel Salganik
Executive Director
Salganik@ripin.org
401-270-0101, ext. 101