

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, following is a concise explanatory statement:

AGENCY: Department of Elementary and Secondary Education

DIVISION: *(If any)*

RULE IDENTIFIER: 200-RICR-20-30-6

RULE TITLE: Regulations Governing the Education of Children with Disabilities

REASON FOR RULEMAKING:

The formatting was revised to comply with the RICR formatting and codification guidelines for the new Rhode Island Code of Regulations as set forth by the Administrative Procedures Act and the Department of State.

This regulation was reorganized and streamlined for readability and clarity. The format and structure of the regulation have been changed to make it clear to the reader what regulatory content is federal and what is statespecific.

The previous version of this regulation contained voluminous sections directly copied/pasted from the Code of Federal Regulations, interspersed with state specific regulatory clauses. This new version of the regulation removes the copied/pasted Code of Federal Regulation sections and instead incorporates those sections by reference, in a manner prescribed by R.I. Gen. Laws § 42353.2. What remains is a regulation that makes it apparent to the reader when the State of Rhode Island has requirements in addition to or exceptions to the Code of Federal Regulations. The regulation also clearly directs the reader to the exact sections in the Code of Federal Regulation that are incorporated by reference.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE
EFFECTIVENESS OF THE RULE:** *(if any)*

TESTIMONY AND COMMENTS:

During the public comment period, RIDE received comment that the inclusion of federal regulations by reference only would be confusing to families and other members of the public and would make it more difficult for individuals to navigate the information they need.

As a result of public comment, RIDE is developing a guidance document that will include federal and state regulations in one document, similar to the current set of regulations. We are confident that the guidance document will eliminate any possible confusion raised during the public comment period.

CHANGE TO TEXT OF THE RULE:

Proposed § 6.3 (A) was updated to December 2018.

Proposed § 6.4 (GG) “Special education” was changed to rescind the deletion of text and thereby prevent an inadvertent modification of the existing rule. Numerous comments were received opposing the deletion of text from the body of the Regulations. The restoration of the text in the final version of § 6.4 (GG) is a logical outgrowth of the rule proposed in the notice of proposed rulemaking.

REGULATORY ANALYSIS:

Prompted by federal statutory or regulatory changes where the agency was able to use discretion.