Bill as Introduced

HB 448 – AS INTRODUCED
2003 SESSION

03-0655
04/10

HOUSE BILL ***448***

AN ACT implementing a reasonableness standard for individualized education plans.

SPONSORS: Rep. Alger, Graf 14; Rep. Slocum, Hills 47; Rep. T. Allen, Hills 45; Rep. Gilman, Graf 9; Rep. Kurk, Hills 48; Sen. Boyce, Dist 4; Sen. Johnson, Dist 2

COMMITTEE: Education

ANALYSIS

This bill adds additional standards for compliance in individualized education plans.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0655
04/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT implementing a reasonableness standard for individualized education plans.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraph; Special Education; Individualized Education Plans. Amend RSA 186-C:7 by inserting after paragraph IV the following new paragraph:

V. Each individualized education plan prepared and approved under this section shall comply with the following standards, and shall document such compliance in writing in the individualized education plan:

(a) Each plan shall address issues necessary to the pupil's educational development.

(b) Each plan shall be prudent and shall not result in excessive cost to the school district in which the child resides.

(c) Each plan shall have a reasonable chance of success based on the participation of the pupil; the support of the pupil's family, and the qualities of the special education program or services provided to the pupil.

(d) Each plan shall address the barriers to the pupil's academic success.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

IF this amendment is adopted by the Committee, please deliver to the House Clerk (Room 317) or Senate Clerk (Senate Chamber), the 2 originals and 2 copies.

Rep. Alger, Graf. 14
March 6, 2003
2003-0508h
04/09

NOT USED

Amendment to HB 448

Amend the title of the bill by replacing it with the following:

AN ACT implementing procedures for the authorization and review of services provided in an individualized education plan.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Special Education; Individualized Education Plans. Amend RSA 186-C:7 by inserting after paragraph IV the following new paragraph:

V.(a) Prior to the development of an individualized education plan, the school administrative unit shall ensure, to the extent possible, that all components of the basic education program which are likely to meet the student's needs have been utilized before providing services or placements that will necessitate additional school district costs.

(b) Each school administrative unit shall develop a written administrative and fiscal procedure for training its local education authority representatives and monitoring, tracking, and accounting for funds spent to provide the services required by each individualized education plan developed pursuant to state and federal law. Such procedure shall be reviewed at intervals not to exceed 3 years, and may be updated as necessary at that time. At a minimum, the procedure shall include the following:

(1) Identification of the person or people responsible for training local education authority representatives.

(2) A description of the major duties of a local education authority representative and the schedule and resources provided by the school administrative unit to train them to perform those duties.

(3) A definition of the procedures and examples of the forms to be used within the school administrative unit by individualized education plan teams to report the required services, estimated costs, and available reimbursements to fulfill each individualized education plan. A payment from third-party insurance is an example of an available reimbursement.

(4) A designation of the superintendent or other representative to review the reports for compliance and adequate justification as required by federal law and authorize the school administrative unit to expend funds to provide the required services.

(5) Prohibition against providing services or committing funds that have not been

authorized, and identification of possible sanctions for violation. Possible sanctions may include disciplinary proceedings for employees and denial of claims for vendors. Notice of these prohibitions and sanctions shall be displayed conspicuously on all forms and documents used in the administration of all individualized education plans.

(6) Access to the information associated with each individualized education plan, whether in its entirety or in an extracted or summarized form, shall be restricted to individuals granted such access by the school board in accordance with applicable state and federal law.

(7) Unrestricted access to this written procedure shall be provided to the public.

(c) This section does not restrict the rights of any parent of a child receiving services under an individualized education plan or any official of a school district or school administrative unit to seek legal remedy available under the law.

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2003-0508h

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2 Effective Date. This act shall take effect 60 days after its passage.

2003-0508h

AMENDED ANALYSIS

This bill implements procedures for the authorization and review of services provided in an individualized education plan.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 448 Date 2/21/03

Committee

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Rep Mike Gilman	135 Roache Strawberry Hill	448-2482	Grafton 9	✓	
Mary Trinkley	30 Irving Dr. Concord	228-2359	Self		✓
Rep. Kurk	Dist 48			✓	
Will Thomas	27 Margate Dr Auburn	668-4996	Self		✓
Kathleen Souza	628 Belmont St Man			✓	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 448

BILL TITLE: implementing a reasonableness standard for individualized education plans.

DATE: February 11, 2003

LOB ROOM: 207 **Time Public Hearing Called to Order:** 1:05 p.m.

Time Adjourned: 2:15 p.m.

(please circle if present)

Committee Members: Reps. L'Heureux, Alger, Dearborn, Flint, Carson, Colcord, Balboni, Leone, McHugh, Naro, Laurent, Tufts, M. Carter, Hagan, Ingbretson, Snyder, Claire Clarke, Jean, Rush, Scovner and J. Dunn.

Bill Sponsors: Rep. Alger, Slocum, T. Allen, Gilman, Kurk; Sen. Boyce, Johnson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Alger, prime sponsor. Questions about creating IEP's as business plans. RSA 186:C-7 says they have to do this, but provides basically no guidance on how to create a plan. Submitted written testimony, in file. As a business person, it seems logical to spell out specific concerns on an IEP. Referenced Section V, 3-12 as being prudent and a way of outlining the process. Rep. Snyder (Question): I'm bothered by the words "necessary, reasonable and excessive". They are vague. Who decides? (Answer): In the eyes of the folks putting this together. Without this legislation, it can be considered vague. Rep. Dunn (Question): Do you believe most SAU's follow a program that is not in statute? (Answer): None recorded. Rep. Rush (Question): Re: Line 12 – I believe this is already being done. (Answer): If it is, I'd like to see the results. If it is being done, it needs to be documented. Rep. Leone (Question): Is the real issue overcrowding and costs? (Answer): Not in my mind. My question is have they gone through an orderly process? I'm arguing for a businesslike approach. Rep. Carter (Question): How does this bill prevent misclassification of special needs kids? (Answer): By doing the assessment in a businesslike manner, the children who need identified help will be assured of receiving services.

Rep. Lee Slocum, co-sponsor. Supports the bill. There can be all sorts of issues surrounding the coding of special education students. Is this an unfunded mandate because a parent perceives a problem because their children are not geniuses? This bill sets into motion a method that will involve parents and educators in creating an IEP that best benefits the student, the parents, and the school.

Rep. Lars Christiansen. Supports the bill. I would suggest an addition to the bill that calls for the annual review of an IEP to make sure that the child is progressing according to that IEP. Rep. Leone (Question): Aren't they supposed to be reviewed every year? (Answer): Yes, but I've seen cases where they were not.

*Dr. Deborah Warner. Supports the bill. Submitted written testimony, in file. Rep. Flint (Question): How do you define "reasonable"? (Answer): It depends on the merits of the case. Rep. Dunn (Question): The word "reasonable" bothers me because it could boil down to a dollar sign. Is that a possibility? (Answer): There are professional individuals who are capable of making the decision if that is reasonable. Rep. Clarke (Question): I'm confused. You said you sat in on meetings where you were not allowed to say no. (Answer): Parents have a say, but the professionals have their hands tied by law. Professionals cannot say that it is unreasonable. Rep. Clarke (Question): Are teams allowed to repeal decisions? (Answer): Just parents. Rep. Dearborn (Question): Who is the final arbiter in a dispute? (Answer): The head of Special Education, then an appeal to the State Department of Education.

Rep. Pierre Bruno. Supports the bill. I'm concerned about what goes on in all the classrooms. IEP's can vary in length, especially with regard to a student who has an IEP that requires a teacher to spend 90% of his or her time with the student. What happens to the other students? Rep. Jean (Question): Can you expand on the idea that you saw some IEP's? (Answer): I substituted for a while and had access to these records.

*Chris Collier. Opposes the bill. With regard to Section V, (A) and (D), these are already addressed in IDEA. Adding this language seems to add a considerable amount of work. With regard to 504, it assures access to a free and appropriate education. How can we discriminate against special education? Submitted written testimony, in file. Rep. L'Heureux (Question): Are you aware of "urban legends" concerning IEP's? (Answer): I've heard about them, but I've never seen one.

Brenda Lashway. I am a special education teacher who works with the most severely disabled students in Manchester. I can verify that there are cases of "urban legends" where a student was given golf lessons. But that was a decision made at the local level. I do think there are problems with reasonableness. I am not sure if this legislation will clarify the issue. The word "reasonable" is not used, but "appropriateness" is. I would like to see something more clear. Rep. L'Heureux (Question): Do you think that it is cheaper to pay for a few rounds of golf than fight it in court? (Answer): Yes.

Scott Johnson, attorney. Opposes the bill. I know this is about cost containment, but this bill opens the door to legal action. The law does define what "reasonable" means. They use the word "appropriate". Also addressing the misclassification issue – this bill does not address this issue, only what happens after a student has been coded. Lastly, schools are required to find programs that work rather than blame parents under federal law. Rep. Hagan (Question): With regard to federal law requirements – do you have legal language to parallel the federal law? (Answer): Not recorded. Rep. Hagan (Question): Are you referring to administrative rules? (Answer): Yes.

Bonnie Dunham. Opposes the bill. I don't see how this bill will lessen the needs of special education students. Rather, it creates an additional layer that could hinder education. In (C), this already exists. The rest is unreasonable. Under (D), I find this scary. RSA 186:C is brief, but the regulations are not. This bill is not the way to go.

Dean Michener. Supports the intent of the bill. We support the reasonableness of costs and resources. I am concerned, can this bill be implemented? Will this change in state law and violate federal law?

Terry Brune. Opposes the bill. He is responsible for complaint management. There are concerns with reasonableness and whether they are in conflict with existing federal law. We hope school districts are using reasonableness in choosing programs for special education students. This bill could be interpreted as broadening the regulations beyond federal law.

Pink Cards:

- ✓ Rep. John Alger, prime sponsor. Supports the bill.
- ✓ Rep. Lee Slocum, co-sponsor. Supports the bill.
- ✓ Sen. Robert Boyce, co-sponsor. Supports the bill.
- ✓ Rep. Pierre Bruno. Supports the bill.
- ✓ Rep. Lars T. Christiansen. Supports the bill.
- ✓ Bonnie Dunham, 10 Kingston Court, Merrimack 03051. 424-4024. Opposes the bill.
- ✓ Dr. Deborah Warner, Littleton. 444-1512. Supports the bill.
- ✓ Chris Collier, representing himself and his family, 20 Winter St., Plymouth. 536-1884. Opposes the bill.
- ✓ Brenda Lashway, special education teacher, 107 Buxton, Weare 03281. 529-7728. No indication of support or opposition to the bill.
- ✓ Scott F. Johnson, One Balbury Lane, Concord 03301. 228-1109. Opposes the bill.
- ✓ Dean Michener, NH School Boards Assn., Concord. 228-2061.
- ✓ Terry Brune, DOE. Opposes the bill.
- ✓ Rick Trombly, NH-NEA, 103 N. State St., Concord. 224-7751. Opposes the bill.
- ✓ Alice Porembski, parent of a special needs child and six typical children, 3 Burberry Circle, Merrimack. 424-6804. Opposes the bill.

Respectfully submitted,

Sharon M. Carson

Rep. Sharon M. Carson
Committee Clerk

SMC:co

Testimony

John Alger

From: "Allen, Timothy J." <allentj@tycoelectronics.com>
To: "'Dangelantonio, Anthony'" <Anthony.Dangelantonio@leg.state.nh.us>; "'John Alger'" <John.Alger@eagle1st.com>
Cc: <kskoglund@sprise.com>
Sent: Friday, February 21, 2003 9:25 AM
Attach: HB448 Amend.doc
Subject: Amendment to HB448

Please find attached a copy of the updates I would like made to amendment 2003-0215h. These updates essentially replace the entire body of the previous version.

These updates result from the meeting I had Thursday afternoon with Kathy Skoglund, SPED Dir of SAU 39. This morning, I sent her an advanced copy of the attachment; she replied by telephone with a few editorial changes (that are incorporated into the attachment) and to express her support for the new language.

There is one editorial question I have. The practice in the federal statutes is for "Individualize Education Program" to have initial capitals; however, is it the practice in New Hampshire statutes to use initial lower case letters? If so, please be aware that IEP and "Local Education Authority" appear in the attachment following the federal practice.

Please feel free to contact me with any questions you might have. In particular, please use email when the new amendment is ready to help expedite the update's release.

Thank you,
Timothy Allen

cell 603-867-0822

Update to Amendment to HB 448

Replace the existing text beginning at page 1, line 10 with the following text:

V. (a) Each school administrative unit shall develop a written administrative and fiscal procedure for training its Local Education Authority representatives and monitoring, tracking, and accounting for funds spent to provide the services required by each Individualized Education Program developed under applicable federal law, such as the Individuals with Disabilities Education Act. Such procedure shall be reviewed at intervals not to exceed 3 years, and may be updated as necessary at that time. At a minimum, the procedure shall include the following:

(1) Identification of the person or people responsible for training Local Education Authority representatives.

(2) A description of the major duties of a Local Education Authority representative and the schedule and resources provided by the school administrative unit to train them to perform those duties.

(3) A definition of the procedures and examples of the forms to be used within the school administrative unit by Individualized Education Program teams to report the required services, estimated costs, and available reimbursements to fulfill each Individualized Education Program. A payment from third-party insurance is an example of an available reimbursement.

(4) A designation of the superintendent or other representative to review the reports for compliance and adequate justification as required by federal law and authorize the school administrative unit to expend funds to provide the required services.

(5) Prohibition against providing services or committing funds that have not been authorized, and identification of possible sanctions for violation. Possible sanctions may include disciplinary proceedings for employees and denial of claims for vendors. Notice of these prohibitions and sanctions shall be displayed conspicuously on all forms and documents used in the administration of all Individualized Education Programs.

(6) Access to the information associated with each Individualized Education Program, whether in its entirety or in an extracted or summarized form, shall be restricted to individuals granted such by the school board in accordance with applicable state and federal law.

(7) Unrestricted access to this written procedure shall be provided to the public.

(b) This section does not restrict the rights of any parent of a child receiving services under an Individualized Education Program or any official of a school district or school administrative unit to seek legal remedy available under the law.

#1

Testimony

HB 448
Sponsor: Rep. John Alger
Education Committee

Dr. Deborah Warner
of Littleton
444-1512 drwarner@ncia.net

Correction to the text of the HB:

***Please* Replace HB 448 section I, item (d) with the following:**

(d) The plan reasonably addresses the obvious barriers to the student's academic success.

Rationale for bill:

An IEP meeting is held to develop an individual education plan for the student that is designed by the professionals and parents involved with the child. They are given the mission to design an education for the child. The standards in enabling legislation are expansive, but have no limiting language concerning reasonableness.

The standards for such an educational plans are defined in NH RSA as:
"benefit of educationally disabled children" RSA 186-C:2, II
"necessary" ibid, III
"within an approved program" ibid
"meet the unique needs" ibid, IV
"assist an educationally disabled child to benefit" ibid, V

The standards in the NH Dept of Ed Rules refer the reader to the federal Codes.

The federal codes define special education as
"a free appropriate public education" CFR 300.1 (a)
"designed to meet their unique needs and prepare them for employment and independent living" ibid
"specially designed instruction at no cost to the parents to meet the unique needs of a child with a disability" CFR 300.26, (a) (1)
"to assure access to the child of the general curriculum" ibid (b) (3) (ii)
"ensure that the student's preferences and interests are considered" CFR 300.344 (b) (2)

Further searching and verification of federal codes can be accomplished at www.access.gpo.gov/nara/cfr/index.html

In practice, the terms, "free and appropriate" bring about many fanciful plans and force many school districts into spending great amounts of money, even at 25% of the tab, to fund some unlikely programs that have a poor chance of success, even in the eyes of the professionals authoring the plan. Currently, it is the obligation of those present to go along with any plan that can be designed to accommodate any unusual circumstance, without the ability to say, "No, that is not reasonable." Such objections have no substance in legislation currently.

TITLE XV EDUCATION

CHAPTER 186-C
SPECIAL EDUCATION

Section 186-C:2

186-C:2 Definitions. – In this chapter:

I. "Educationally disabled child' means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of RSA 186-C:7 and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired including blindness, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multi-disabled, traumatic brain injured, autistic, or as having specific learning disabilities, who because of such impairment, needs special education or special education and educationally related services. "Educationally disabled child' shall not include a child aged 18 through 21, who, in the educational placement prior to his or her incarceration in an adult correctional facility was not actually identified as being a child with a disability or did not have an individualized education program.

I-a. "Developmentally delayed child' means a child between 3 and 9 years of age, who, because of impairments in development, needs special education or special education and educationally related services, may be identified as being developmentally delayed provided that such a child must first be determined to have an educationally disabling condition as defined in RSA 186-C:2, I.

I-b. "Division' means the division of educational improvement, department of education.

II. "Approved program' means a program of special education that has been approved by the state board of education and that is maintained by a school district, regional special education center, private organization or state institution for the benefit of educationally disabled children, and may include a home-based program.

III. "Individualized education plan' means a written plan for the education of an educationally disabled child that has been developed by a school district in accordance with rules adopted by the state board of education and that provides necessary special education or special education and educationally related services within an approved program.

IV. "Special education' means instruction specifically designed to meet the unique needs of an educationally disabled child.

V. "Educationally related services' means transportation and such developmental, corrective, and other supportive services as are specifically required by an individualized education plan to assist an educationally disabled child to benefit from special education. "Educationally related services' do not include medical services unless such services are necessary for purposes of diagnosis and evaluation.

VI. "Functionally blind' means a pupil who has:

(a) Visual acuity of 20/200 or less in the better eye with the use of the best correction for any refractive error, or a limited field of vision in which the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) A medically indicated expectation of visual deterioration.

(c) A functional limitation resulting from a medically diagnosed visual impairment which restricts the child's ability to read and write standard print at levels expected of other children of comparable

ability and grade level.

VII. "Parent' means:

(a) A natural or adoptive parent of a child who has legal custody of the child;

(b) A guardian of a child, but not the state when the state has legal guardianship of the child;

(c) A person acting in the place of a custodial parent or guardian of a child, if no other custodial parent or guardian is available, who is designated in writing to make educational decisions on the child's behalf by such parent or guardian;

(d) A surrogate parent who has been appointed in accordance with RSA 186-C:14; or

(e) A foster parent of a child who has been appointed in accordance with RSA 186-C:14-a.

Source. 1981, 352:2. 1990, 140:2, X. 1991, 80:1. 1993, 108:1. 1994, 379:12, eff. June 9, 1994. 1997, 89:1, eff. Aug. 2, 1997; 114:1, eff. July 1, 1997. 1998, 177:2, eff. Aug. 14, 1998. 1999, 107:1, eff. Aug. 9, 1999. 2002, 205:1, eff. July 1, 2002.

Section 186-C:7

186-C:7 Individual Education Plans. –

I. The development of an individualized education plan for each educationally disabled child shall be the responsibility of the school district in which the child resides or of the school district which bears financial responsibility for the child's education.

II. The parents or legal guardian of an educationally disabled child have the right to participate in the development of the individualized education plan for the child and to appeal decisions of the school district regarding such child's individualized education plan as provided in rules adopted in accordance with RSA 541-A by the state board of education.

III. The division of educational improvement of the department of education shall assist each school district in developing an approved program or programs for educating the educationally disabled children of the district including the setting of approved rates for private providers of special education services pursuant to RSA 21-N:5, I(h).

IV. [Repealed.]

Source. 1981, 352:2. 1985, 269:5. 1987, 345:1, 4. 1990, 140:2, X; 162:4. 1992, 238:2. 1994, 379:20, eff. June 9, 1994. 1998, 177:6, eff. Aug. 14, 1998.

Section 186-C:17

186-C:17 Limitation of Provisions. – Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this chapter to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child except pursuant to a proper court order.

Source. 1981, 352:2, eff. July 1, 1981.

#2

Good Afternoon Mr. Chairman
And members of the House Education Committee

My name is Chris Collier; I'm from Plymouth and a parent of a young adult who learns in a non-traditional way. I also serve on the State Advisory Committee for the Education of Students with disabilities.

I'm here to oppose **House Bill 448**. I'll keep my comments brief and I'd like to address the 4 points; small a – d under Roman numeral V; starting with
a) Each plan shall address issues necessary to the pupil's educational development.
d) Each plan shall address the barriers to the pupil's academic success.
I'm concerned because both are already addressed in IDEA, the Individuals with Disabilities Education Act. Those of you who have had to work with developing IEP's with the local school districts already know this is the heart of the IEP. We're working hard to reduce the paperwork at the local level and adding this appears to be counterproductive.

In looking at:
b) Each plan shall be prudent and shall not result in excessive cost to the school district in which the child resides.
c) Each plan shall have a reasonable chance of success based on the participation of the pupil; the support of the pupil's family, and the qualities of the special education program or services provided to the pupil.

I'm concerned because (b) and (c) read contrary to the Rehabilitation Act of 1973. Section 504 is the part of that Rehabilitation Act which applies to persons with disabilities. Section 504 is a civil rights act which protects the civil and constitutional rights of persons with disabilities. Section 504 states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.
The specific program we're really talking about is a free appropriate education; which 504 defines as one provided by the public elementary or secondary school which includes general or special education and related aids and services that (1) are designed to meet the individual educational needs of persons with a disability as adequately as the needs of the non-disabled persons are met, and (2) are based upon adherence to evaluation, placement and procedural safeguard requirements.

We don't hold the general student, their family and the quality of their program or services provided to the standards proposed, how can we unashamedly discriminate against the Special Education student.

For those reasons I urge you to vote no on HB 448 and thank you for the opportunity to address this committee today.

Chris Collier
20 Winter Street
Plymouth, NH
536-1884

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

Pierre W. Bruno

COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

February 11, 2003

HOUSE COMMITTEE ON EDUCATION
LEGISLATIVE OFFICE BUILDING ROOM 207
CONCORD, NEW HAMPSHIRE

Rep Carson

Dear Chairman L'Heureux and Honorable Members,

On Tuesday, February 11, 2003, during my testimony on behalf of HB448, implementing a reasonableness standard for individualized [education] plans., I mentioned that I had been made aware of several individualized education plans through my substitute teaching experiences in various schools in autumn 2002.

Based upon particular "IEP's" that were shared with me at two high schools, if particular students are present, that teacher cannot

1. look a student in the eye
2. use sarcasm
3. use humor
4. use idioms in expression
5. say "no"
6. make ambiguous statements
7. cannot direct a question to the student without being asked by that student

The above listed are things a teacher may be restricted from doing in a classroom based upon a student's IEP.

Please think about the last time you looked someone in the eye while talking to them, or the last time you used humor, perhaps sarcastic, or the last time you used an idiom. Did you ever say "no" to a child, or even an adult?. I'm sure I've made a few ambiguous statements while teaching, or even perhaps during testimony.

Number 7 above basically means that the teacher could not call upon the student in the classroom unless the student wanted to be called upon.

As I stated in testimony, some students get to re-take tests until they pass. Some get help from the "resource people," some get all the time they need to finish an exam.

One student required the teacher's attention more than 90% of the time, as stated in his individual plan!

Home/Office: 603 Lyndeboro Road, New Boston, NH 03070 / phone/fax 603-487-2612/ http://www.gsinet.net/~brwnston

TDD Access: Relay NH 1-800-735-2964

Some students can pass in homework at any time.. They can pass in the whole year's homework on the last day of class. How is a teacher expected to monitor that student's progress?

Some kids are allegedly shuttled from jail where they spend their nights.

Just when you think it can't, It gets worse. There is also the 504 Plan which, I guess, is more germane to physical handicaps.

At one high school, I was told that one student "poops his pants every day at a certain time."

That same high school allegedly had to buy $10,000 worth of equipment to accommodate 2 students who need regular diaper changes.

Two other students are allegedly dropped off in an ambulance on a daily basis.

Is this education? What is our world becoming if we cannot look people in the eye when we talk to them? Or use humor? Or ask a question? Or say no?

I believe that HB448 recognizes that IEP plans need to be reasonable and provides a step in the right direction toward achieving that end.

Thank you for your consideration on this matter.

Very sincerely yours,
NH REPRESENTATIVE, HILLS 45



Pierre W. Bruno
New Boston

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 448

BILL TITLE: **implementing a reasonableness standard for individualized education plans.**

DATE: March 6, 2003

LOB ROOM: 207

Amendments:

Sponsor: Rep. Alger	OLS Document #:	2003	0508h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.) AMENDMENT FAILED

Moved by Rep. Alger

Seconded by Rep. Colcord

Vote: 6-11 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. Dearborn

Seconded by Rep. Claire Clarke

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sharon M. Carson, Clerk

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HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 448

BILL TITLE: **implementing a reasonableness standard for individualized education plans.**

DATE: {Type DATE} 3/06/03

LOB ROOM: 207

Amendments:

Sponsor: Rep. Alger — OLS Document #: 2003-0508H (failed)

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Alger

Seconded by Rep. Colcord

Vote: 6y/11N (Please attach record of roll call vote.)

Motions: OTP, OTP/A, (ITL), Interim Study (Please circle one.)

Moved by Rep. Dearborn

Seconded by Rep. Clarke, Claire

Vote: 17/0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Sharon M. Carson
Rep. Sharon M. Carson, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

EDUCATION

Bill #: 448 Title: Implementing a reasonableness standard for IEPs

PH Date: 2 / 11 / 03 Exec Session Date: 3 / 06 / 03

Motion: OTP Amendment #: 2003-0508h

MEMBER	YEAS	NAYS
L'Heureux. Stephen R. Chairman		
Alger. John R M. V Chairman	✓	
Dearborn. Bruce L		✓
Flint. Gordon B		
Carson. Sharon M		✓
Colcord. J D	✓	
Balboni. Michael A		
Leone. Richard C		✓
McHugh. Claire B		
Naro. Debra A		✓
Laurent. John J		✓
Tufts. J Arthur		✓
Carter. Mark S	✓	
Hagan. Barbara J	✓	
Ingbretson. Paul	✓	
Snyder. Clair A		✓
Jean. Claudette R		✓
Clarke. Claire D		✓
Rush. Deanna P	✓	
Scovner. Nancy M		✓
Dunn. James T		✓
	10Y	11N

TOTAL VOTE:
Printed: 1/6/2003

OFFICE OF THE HOUSE CLERK 2003 SESSION

EDUCATION

Bill #: 448 Title: Implementing a reasonableness standard for IEPs

PH Date: 2/11/03 Exec Session Date: 3/06/03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
L'Heureux, Stephen R, Chairman		
Alger, John R M, V Chairman	✓	
Dearborn, Bruce L	✓	
Flint, Gordon B		
Carson, Sharon M	✓	
Colcord, J D	✓	
Balboni, Michael A		
Leone, Richard C	✓	
McHugh, Claire B		
Naro, Debra A	✓	
Laurent, John J	✓	
Tufts, J Arthur	✓	
Carter, Mark S	✓	
Hagan, Barbara J	✓	
Ingbretson, Paul	✓	
Snyder, Clair A	✓	
Jean, Claudette R	✓	
Clarke, Claire D	✓	
Rush, Deanna P	✓	
Scovner, Nancy M	✓	
Dunn, James T	✓	
	17Y	0N

TOTAL VOTE:
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 448**

TITLE: implementing a reasonableness standard for individualized education plans.

DATE: March 6, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee did not feel this bill would enhance enforcement of the Individual Education Plan (IEP) process required by Individuals with Disability Education Act. It was also considered to add additional paper work to an already paper work intensive program, without meeting the desired outcome.

Vote 17-0.

Rep. Bruce L. Dearborn
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Education

HB 448, implementing a reasonableness standard for individualized education plans. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: The committee did not feel this bill would enhance enforcement of the Individual Education Plan (IEP) process required by Individuals with Disability Education Act. It was also considered to add additional paper work to an already paper work intensive program, without meeting the desired outcome. **Vote 17-0.**

COMMITTEE REPORT

DRAFT

COMMITTEE: **Education**

BILL NUMBER: **HB 448**

TITLE: implementing a reasonableness standard for individualized education plans.

DATE: March 6, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The committee did not feel this bill would enhance enforcement of the Individual Education Plan (IEP) process required by Individuals with Disability Education Act. It was also considered to add additional paper work to an already paper work intensive program. WITHOUT MEETING THE ~~THE~~ DESIRED OUTCOME.

Vote 17-0.

Rep. Bruce L. Dearborn
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 448**

TITLE: **implementing a reasonableness standard for individualized education plans.**

DATE: {Type DATE} CONSENT CALENDAR YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote {Type VOTE}. 17-0

Rep. {Type NAME}
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

The committee did not feel this bill would enhance enforcement of the individual Education plan process required by IDEA. It was also considered to add additional paper work to an already paperwork intensive program.

Brian D Denbow