Bill as Introduced

2005 SESSION

05-0467
04/03

HOUSE BILL ***451-FN-LOCAL***

AN ACT requiring the separate preparation and approval process for the special education budget.

SPONSORS: Rep. O'Brien, Hills 4; Rep. Mead, Hills 4; Sen. Roberge, Dist 9

COMMITTEE: Education

ANALYSIS

This bill requires a separate preparation and approval process for the special education budget.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 451-FN-LOCAL – AS INTRODUCED

05-0467
04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Five

AN ACT requiring the separate preparation and approval process for the special education budget.

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

1 New Section; Special Education; Budget Preparation and Approval. Amend RSA 186-C by inserting after section 10 the following new section:

186-C:10-a Preparation and Approval of Special Education Budget.

I. A school district responsible for providing special education programs or services to any educationally disabled pupil shall prepare a special education budget separate from the school district budget and present such budget to the school district legislative body. Such special education budget shall be prepared and presented in accordance with duly adopted local procedures. A majority of voters voting shall be required for adoption. If a majority is not obtained, the legislative body shall be deemed to have approved a default special education budget, or the school district governing body may hold a special meeting, pursuant to the requirements of RSA 31:5, RSA 39:3, RSA 195:13, RSA 197:2, and RSA 197:3, to take up the issue of a revised special education budget only.

II. In this section, "default special education budget" means the same revenue and expense amounts as contained in the special education budget authorized for the previous year, reduced and increased, as the case may be, by contracts and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the special education budget. For the purposes of this paragraph, one-time expenditures shall be appropriations or expenditures not likely to recur in the succeeding budget, as determined by the governing body, or by the budget committee if the provisions of RSA 40:14-b have been adopted.

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

LBAO
05-0467
1/24/05

HB 451-FN-LOCAL - FISCAL NOTE

AN ACT requiring the separate preparation and approval process for the special education budget.

FISCAL IMPACT:

The Department of Education indicates this bill will increase local expenditures by an indeterminable amount in FY 2006 and each year thereafter. There will be no fiscal impact on state, county and local revenue or state and county expenditures.

METHODOLOGY:

The Department indicates this bill will increase administrative costs for local school districts by requiring them to prepare a special education budget and, in the event that the special education budget does not pass and the district holds a special meeting, the costs for such meetings. The costs of the administrative duties and the special meetings cannot be estimated.

Amendments

Rep. O'Brien, Hills. 4
February 24, 2005
2005-0466h
10/09

Amendment to HB 451-FN-LOCAL

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

AN ACT requiring the separate preparation of the special education budget.

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education; Budget Preparation. Amend RSA 186-C by inserting after section 10 the following new section:

186-C:10-a Preparation of Special Education Budget. A school district responsible for providing special education programs or services to any educationally disabled pupil shall prepare the special education budget separate from the school district budget and present such budget to the school district legislative body for informational purposes without requiring an additional vote. Such special education budget shall be prepared and presented in accordance with procedures adopted by the department of education.

2005-0466h

AMENDED ANALYSIS

This bill requires a separate preparation of the special education budget in school districts.

Rep. O'Brien, Hills. 4
February 24, 2005
2005-0466h
10/09

Amendment to HB 451-FN-LOCAL

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

AN ACT requiring the separate preparation of the special education budget.

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education; Budget Preparation. Amend RSA 186-C by inserting after section 10 the following new section:

186-C:10-a Preparation of Special Education Budget. A school district responsible for providing special education programs or services to any educationally disabled pupil shall prepare the special education budget separate from the school district budget and present such budget to the school district legislative body for informational purposes without requiring an additional vote. Such special education budget shall be prepared and presented in accordance with procedures adopted by the department of education.

2005-0466h

AMENDED ANALYSIS

This bill requires a separate preparation of the special education budget in school districts.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 451-FN-L Date Feb. 8, 2005

Committee Education

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

Name	Address	Phone	Representing	(check one) Pro	Con
William O'Brien	9 Southview Dr. Mont Vernon	673-6610	Sponsor	✓	
Bob mead	20 N main St	673-3203	Sponsor	✓	
Ann Coulombe	14 Bennett Rd Merrimack	424-6804	guest		✓

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 451

BILL TITLE: requiring the separate preparation and approval process for the special education budget.

DATE: February 8, 2005

LOB ROOM: 207 **Time Public Hearing Called to Order:** 2:00 pm

Time Adjourned: 2:39 pm

(please circle if present)

Committee Members: Reps. S. L'Heureux, Hess, Naro, Balboni, Carter, Hagan, Ingbretson, Newton, W. Campbell, Eaton, Asselin, Remick, Stiles, Ward, Snyder, Yeaton, Jean, Claire Clarke, Rush, Dunn, Casey and Rous.

Bill Sponsors: Rep. O'Brien, Hills 4; Rep. Mead, Hills 4; Sen. Roberge, Dist. 9

TESTIMONY

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

***Rep. William O'Brien** – Prime sponsor-See written testimony.

In Response to Questions
Not an unfunded mandate because it is indeterminable and inconsequential. This bill separates information that is already there. He does not see a significant amount of time or money being spent on this. The budget presentation forms are mandated by the Department of Revenue Administration. School Boards can present budgets how they want. This may not be consistent year to year or district to district. Districts can deficit spend for special education in case a special needs student moves into the district. The objective of the bill is to distinguish between regular programs and special education spending. The bill will not heighten any resentment for special education students.

Rep. Robert Mead – co sponsor- Special education is currently voted on in total budget. This bill is not intended to change special education or the need for it. It will take regular education out and highlight a good job in that area. People have no real say in special education funding.

In Response to Questions
Default budget and regular budget for special education would be the same. Districts could have a requirement that special education be a separate enumeration within the regular budget. Voters may be inclined to spend more if they see the regular program separately.

Dr. Mark Joyce – New Hampshire School Administration/NHASBO & NHASAA- opposes the bill- The bill is unnecessary, counterproductive, and potentially misleading. Special education is constructed toward zero-based budgeting. There is great latitude in how a budget is put together. The bill is counterproductive to cost-efficiency. (What shares of administrative expenses for supplies and transportation costs go to special education?) This is potentially misleading because, when

something is seen separately, it leads voters to believe they actually have a choice (Federal mandate- no choice).

In Response to Questions
There is a form prescribed by DRA, but districts can show budget items differently. Latitude is already there.

Dean Michener –New Hampshire School Boards Association- opposes the bill- The intent is to make costs better known. Desired information is available and can be shown. The bill conveys a false sense of control.

In Response to Questions
The bill would apply to non SB-2 towns.

Richard Cohen – Disabilities Rights Center-opposes the bill- Special education budgets fund individual kids. This bill singles out kids because of their disabilities. The intent can be effectuated under current law. The special education budgets presented are misleading because of revenue that doesn't show up at the time of the vote. If a budget passed that had less than needed, it would violate federal law. Possible confidentiality issues arise under this bill.

Respectfully Submitted,

Timothy E. Easson

Rep. Timothy E. Easson,
Clerk of House Education Committee

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 451

BILL TITLE:

DATE: February 8, 2005

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Time Adjourned: _____

(please circle if present)

Committee Members: Reps. S. L'Heureux, Hess, Naro, Balboni, Carter, Hagan, Ingbretson, Newton, W. Campbell, Easson, Asselin, Remick, Stiles, Ward, Snyder, Yeaton, Jean, Claire Clarke, Rusin, Dunn, Casey and Rous.

Bill Sponsors:

TESTIMONY

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

SE = Special Education

CTO: 2:00pm

ADJ: 2:39pm

HB 451

Rep. William O'Brien (PS)

- See written testimony

Ques: - not an unfunded mandate b/c is is indeterminable and unconsequential This bill separates info already there.

- He does not see a significant amount of time of money being spent on this.

- Budget presentation forms are mandated by Dept. of Revenue Administration

School boards → SB's can present budgets how they want

→ may not be consistent year-to-year or District to district.

Stopped here

Districts

- Can deficit spend for Special Education in case a special needs student moves into a district.

- objective of bill is to distinguish b/w regular program and SE spending

- Bill will not heighten any resentment for SE students

(Please find his first name)

Rep. Mead (CS)

- SE is currently voted on in total budget

- Bill is not intended to change SE or the need for it.

- It will take regular education costs out and highlight good job people have in that area.

- No real say in SE spending.

Ques - Default budget and regular budget for SE would the same.

Districts
- Could have a requirement that SE be a separate enumeration w/ in regular budgets.
- voters may be inclined to spend more if they see the regular programs separately.

Dr. Mark Joyce - NHSAdmin, NHASBO, NHASAA (opposed)
- Bill unnecessary, counterproductive, potentially misleading.
- SE constructed toward zero-based budgetting.
- There is great latitude in how budget is put together
- bill is counter productive to cost-efficiency. (shares of administrative expenses, supplies, transportation costs SE what to)
- potentially misleading b/c when something is seen separate, it leads voters to believe they actually have a choice (Federal mandate → no choice)

Ques - There is a form prescribed by DRA, but districts can show budget items differently already
→ latitude is there,

Dean Michener (NHSBA) (con)
- The intent is to make costs better known
- classified into is available and can be shown
- The bill → conveys false sense of control.

Ques (Bill would apply to non-SB 2 towns)

Richard Cohen — Disabilities Rights Center (con)

- SE budgets funds individual kids
- This bill singles out kids b/c of disabilities
The intent can be effectuated under current law.
- SE budgets presented are misleading b/c of revenue that doesn't show up at time of vote.
- if a budget passed had less than needed, it would violate Fed. law.
- possible confidentiality issues arise under this b'd.

Testimony

Testimony of the Prime Sponsor in Support of HB 451

(Separate Preparation and Approval of Special Education Budget)

Honorable Members of the Education Committee:

HB 451 would require the separate preparation by school districts and approval by the voters of a special education budget. This special education budget would be separate from the school district budget.

Since the introduction of special education requirements and funding within our school systems, there has developed a tension between financial support of regular education and the funding of special needs: to the extent that special education costs – often presented as required – have grown, regular education expenses, which are discretionary, have come under pressure. The result of this pressure on regular education spending is that the bulk of the students who rely on regular education funds for their education have suffered. Indeed, school board members can only respond to constituents' concerns over run-away school funding costs by turning to the funding of regular education, the area where they do have control.

I am sure we all know the results of this tension, but let me give you an example. Over the past 7 years in the school district where I am on the school board, special education costs have risen 120%. By comparison, in the few areas where we do have control over costs – employee salaries, for example – those expenses have risen by less than a third of that amount – that is 36%.

This year, compensation for staff will increase between two and three percent and all other general administration charges will decrease by 17%, yet special education costs will increase over 17%. This special education cost increase in part will come out of regular education funding in order to present an overall school budget increase that is palatable to voters.

It is important to understand what are, and what are not, the intent of this bill and the effect of the legislation if enacted.

This bill is not intended to limit special education costs and it will not have that effect. It is not intended to harm special education and it will not have

that effect. The bill is intended to clearly present to attendees at school districts meetings or the voters on school budgets in SB2 districts what is required to provide regular education programs and what is required to cover special education costs. It is further intended to allow the costs of regular education to be judged on their own merits and not year after year be the means to absorb increases in special education funding.

School districts generally tend to be very efficient in how they fund regular education. The effect of this legislation will be to demonstrate that efficiency every time school budgets are presented to voters for approval. This bill will reinforce a general consensus among voters that school funding is important and should be supported when those funds are carefully used.

When we separately present to voters the costs of special and regular education, it will inform them each year as to the costs of each. By doing so, it will support an understanding of the efficiency by which regular education is provided in school districts.

School administrators will tell you they spend no more than what is legally required under IEPs in providing special education. This bill does not challenge that position or cause school systems not to meet legally required obligations.

If the special education budget is not passed by a majority of the voters, the school budget will revert to a default budget. By the language of the proposed statute, the default budget will include all "obligations previously incurred or mandated by law...." Both IEPs and school districts' legal obligations are protected. This bill will not cause school districts to run afoul of their obligation to provide special education.

The present system of presenting a consolidated regular education and special education budget confuses the upward spiraling costs of special education with the discretionary and generally well-controlled costs of regular education, thereby weakening the consensus for education found in most communities. This legislation will work to eliminate that confusion, by allowing voters to clearly see each budget. The result will be greater community support for education and better education for our children.

Respectfully submitted,
William O'Brien

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 451-FN-LOCAL

BILL TITLE: **requiring the separate preparation and approval process for the special education budget.**

DATE: February 24, 2005

LOB ROOM: 207

Amendments:

Sponsor: Rep. O'Brien	OLS Document #:	2005	0466h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

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

Moved by Rep. Easson

Seconded by Rep. Hagan

Vote: 7-9 (Please attach record of roll call vote.)

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

Moved by Rep. Hagan

Seconded by Rep. Clarke

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Timothy E. Easson

Rep. Timothy E. Easson, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on

BILL TITLE: Requiring the separate preparation and approval process for the special education budget

DATE:

LOB ROOM: 207

Amendments:

Sponsor: Rep. ~~Easson~~ O'Brien OLS Document #: 2005-04664

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.) Amend. 2005-04664

Moved by Rep. Easson

Seconded by Rep. Hagan

Vote: 7-9 (Please attach record of roll call vote.) Motion defeated

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

Moved by Rep. Hagan

Seconded by Rep. Clarke

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Timothy E. Easson, Clerk

OFFICE OF THE HOUSE CLERK 2005 SESSION

EDUCATION

Bill #: HB451 **Title:** Requiring the separate preparation and approval process for the special education budget

PH Date: 02/08/2005 Exec Session Date: 02/24/2005

Motion: OTP on amendment Amendment #: 2005-0466h

MEMBER	YEAS	NAYS
L'Heureux, Stephen R, Chairman		✓
Hess, David W, V Chairman	absent	
Naro, Debra A	absent	
Balboni, Michael A	✓	
Carter, Mark S		✓
Hagan, Barbara J		✓
Ingbretson, Paul C	absent.	
Newton, Clifford A	✓	
Campbell, W Packy	absent	
Easson, Timothy E	✓	
Asselin, Michael B	✓	
Remick, William J	✓	
Stiles, Nancy F	✓	
Ward, John L	✓	
Snyder, Clair A		✓
Yeaton, Charles B		✓
Jean, Claudette R	absent	
Clarke, Claire D		✓
Rush, Deanna P		✓
Dunn, J Timothy		✓
Casey, Kimberley S		✓
Rous, Emma L	absent	
	7	9

TOTAL VOTE:
Printed: 12/28/2004

EDUCATION

Bill #: HB 451 Title: _____

PH Date: ____/____/____ Exec Session Date: 02/24/2005

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
L'Heureux, Stephen R, Chairman	✓	
Hess, David W, V Chairman	absent	
Naro, Debra A	absent	
Balboni, Michael A	✓	
Carter, Mark S	✓	
Hagan, Barbara J	✓	
Ingbretson, Paul C	absent	
Newton, Clifford A	✓	
Campbell, W Packy	absent	
Easson, Timothy E	✓	
Asselin, Michael B	✓	
Remick, William J	✓	
Stiles, Nancy F	✓	
Ward, John L	✓	
Snyder, Clair A	✓	
Yeaton, Charles B	✓	
Jean, Claudette R	absent	
Clarke, Claire D	✓	
Rush, Deanna P	✓	
Dunn, J Timothy	✓	
Casey, Kimberley S	✓	
Rous, Emma L	absent	
	16	0

TOTAL VOTE:

Printed: 12/28/2004

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 451-FN-LOCAL**

TITLE: requiring the separate preparation and approval process for the special education budget.

DATE: February 25, 2005 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 overwhelmingly agrees the bill is unnecessary, and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs.

Vote 16-0.

Rep. Barbara J. Hagan
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Education

HB 451-FN-LOCAL, requiring the separate preparation and approval process for the special education budget. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara J. Hagan for Education: The committee overwhelmingly agrees the bill is unnecessary, and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs. **Vote 16-0.**

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER:

TITLE: HB451

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

Rep. Barbara J Hagan
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

The committee overwhelmingly agrees the Bill is unnecessary, and conveys a false sense of control over special education costs. Communities already have the power and opportunity to break out any and all costs with respect to budgetary items. The legislation does not relieve any community from meeting special education costs.

BH 04