

CONSENT CALENDAR

November 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Finance to which was referred HB
540-FN-LOCAL,**

**AN ACT relative to adequate education grant amounts
for pupils receiving special education services. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Joseph Pitre

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Finance
Bill Number:	HB 540-FN-LOCAL
Title:	relative to adequate education grant amounts for pupils receiving special education services.
Date:	November 15, 2023
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed.

Vote 25-0.

Rep. Joseph Pitre
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Finance

HB 540-FN-LOCAL, relative to adequate education grant amounts for pupils receiving special education services. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE: November 14, 2023

LOB ROOM: 210-211

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Pitre

Seconded by Rep. Heath

Vote: 25-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE:

11/14/23

LOB ROOM:

210-211

MOTION: (Please check one box)

☐ OTP

☒ ITL

☐ Retain (1st year)

☐ Adoption of
Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. PITRE

Seconded by Rep. Leath

Vote: 25-0

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of
Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of
Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of
Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

☐ WITHOUT RECOMMENDATION

CONSENT CALENDAR: ☒ YES ☐ NO

Minority Report? ☐ Yes ☒ No . If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____

Rep Joseph Pitre, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

11/14/2023 10:17:23 AM
Roll Call Committee Registers
Report

2023 SESSION

Finance

Bill #: HB 540 FN-LOCAL Motion: 17L AM #: _____ Exec Session Date: 14 NOV 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	25		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C. <u>K & F & H</u>	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Buco, Thomas L.	16		
Huot, David O.	17		
Heath, Mary	18		
Murray, Kate R.	19		
Ebel, Karen E.	20		
Telerski, Laura D. <u>SHAPIRO</u>	21		
Hakken-Phillips, Mary A.	22		
Stringham, Jerry M.	23		
Grassie, Chuck W.	24		
TOTAL VOTE:	25	8	

HOUSE COMMITTEE ON Finance

DIVISION II WORK SESSION ON HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE: September 12, 2023

ROOM: 209

Time Work Session Called to Order: 1:00 pm

Time Adjourned: 2:00 pm

(please circle if present)

Committee Members: Emerick, Pitre, Bean, Popovici-Muller, Bucu, Heath, K. Murray and Hakken-Phillips

Bill Sponsors:

Rep. Ladd

Rep. Myler

Rep. Cordelli

Sen. Ward

TESTIMONY

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

Chairman **Weyler** participated in this Work Session.

Rep. **Pitre** moved ITL, seconded by Rep. **Heath**. Motion adopted 9-0, voice vote.

Respectfully submitted,

Rep. Daniel Popovici-Muller
Clerk, Division II



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:52 PM
Roll Call Committee Registers
Report

2023 SESSION

Finance - Division II

Bill #: 540 Motion: Y/L PIT/18/NEGATIVE AM #: 9-0 NOICE VOTE Exec Session Date:

Members <u>Weylck</u>	YEAS	Nays	NV
Emerick, Tracy Chairman			
Pitre, Joseph A. Vice Chairman			
Bean, Harry H.			
Popovici-Muller, Daniel			
Buco, Thomas L.			
Heath, Mary			
Murray, Kate R.			
Hakken-Phillips, Mary A.			
TOTAL VOTE:			

HOUSE COMMITTEE ON Finance

BILL NUMBER: HB 540-FN-LOCAL

**BILL TITLE: relative to adequate education grant amounts for
pupils receiving special education services.**

DATE: March 28, 2023

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

Rep. Weyler, Chair

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE: March 28, 2023

LOB ROOM: 210-211

MOTIONS: **RETAINED**

Moved by Rep. Emerick

Seconded by Rep. Pitre

Vote: 25-0

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE:

3/28/23

LOB ROOM:

210-211

MOTION: (Please check one box)

☐ OTP

☐ ITL

☒ Retain (1st year)

☐ Adoption of

Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. EMURK K

Seconded by Rep. PITRE

Vote: 25-0

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of

Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of

Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

MOTION: (Please check one box)

☐ OTP

☐ OTP/A

☐ ITL

☐ Retain (1st year)

☐ Adoption of

Amendment # _____
(if offered)

☐ Interim Study (2nd year)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

☐ WITHOUT RECOMMENDATION

CONSENT CALENDAR: _____ YES

☒ NO

Minority Report? _____ Yes

☒ No

If yes, author, Rep: _____

Motion _____

Respectfully submitted: _____

Rep Joseph Pitre, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:48:27 PM
Roll Call Committee Registers
Report

2023 SESSION

Finance

PR-Local

Bill #: HB 540 Motion: Rechn AM #: _____ Exec Session Date: 28 MAR 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	25		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C.	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Buco, Thomas L.	16		
Hatch, William A.	17		
Huot, David O.	18		
Leath, Mary	19		
Murray, Kate R.	20		
Ebel, Karen E.	21		
Felerski, Laura D.	22		
Lakken-Phillips, Mary A.	23		
Stringham, Jerry M.	24		
TOTAL VOTE:	25		

HOUSE COMMITTEE ON Finance

DIVISION II WORK SESSION ON HB 540-FN-LOCAL

BILL TITLE: relative to adequate education grant amounts for pupils receiving special education services.

DATE: March 7, 2023

ROOM: 209

Time Work Session Called to Order: 10:28 a.m.

Time Adjourned: 10:55 a.m.

(please circle if present)

Committee Members: Emerick, Pitre, Bean, Popovici-Muller, Bucio, Heath, K. Murray and Hakken-Phillips

Bill Sponsors:

Rep. Ladd

Rep. Myler

Rep. Cordelli

Sen. Ward

TESTIMONY

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

* Handout submitted. HB 540 passed on House Floor 2/22/23. Sped Differentiated Aid

Rep. **Weyler** participated in this Work Session.

Rep. **Heath** moved Retain, seconded by Rep. **Pitre**. Motion adopted 7-0.

Respectfully submitted,

Rep. Daniel Popvici-Muller
Clerk, Division II



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:52 PM
Roll Call Committee Registers
Report

2023 SESSION

Finance - Division II

Bill #: 560-JN Motion: RETAIN AM #: _____ Exec Session Date: 3/7/23

Members	YEAS	Nays	NV
Emerick, Tracy Chairman	X		
Pitre, Joseph A. Vice Chairman <u>SECOND</u>	X		
Bean, Harry H.	X		
Popovici-Muller, Daniel	X		
Buco, Thomas L.			
Heath, Mary <u>RETAIN MOTION</u>	X		
Murray, Kate R.	X		
Hakken-Phillips, Mary A.			
TOTAL VOTE:	<u>7</u>	<u>0</u>	

REP WAYLER

2 Effective Date. This act shall take effect July 1, 2023.

Special Education Population Information:		
Total projected special education pupils	30,309	
Category A (approximately 88.5%)	26,823	<u>23,000</u>
Category B (approximately 9%)	2,728	<u>7,000</u>
Category C (approximately 2.5%)	758	<u>600</u>
Categorical Costs		
Category A: 26,823 pupils X \$2,079.89 per pupil	\$55,788,889.50	
Category B: 2,728 pupils X \$4,729.78 per pupil	\$12,902,839.80	
Category C: 758 pupils X \$6,239.67 per pupil	\$4,729,669.86	
Total Cost:	\$73,421,399.20	<u>83,700,000</u>
Current Formula Cost: 30,309 pupils X \$2,079.89	\$63,329,386.00	
Difference/Increase	+ \$10,092,013.20	
Similar formula implemented in State of Washington. See ECS doc. State Sped Formulas '04		

Funding Adjustment for Sped Differentiated Aid

Sped Disabilities into 3 Weighted Categories: A, B, and C (Based upon IDEA Part B)

- *Category A = Less than 80% of school day receiving special education support*
- *Category B = Receiving special education support for 80% or more of school day*
- *Category C = Residential Placement, Hospital Placement, Other*

Special Education Students by Category

- *Total = 30,600*
- *Cat- A = 23,000*
- *Cat B = 7,000*
- *Cat C = 600*

Cost by Weighted Category Value

- *Cat A = 23,000 x \$2,079.89 = \$47,837,470*
- *Cat B = 7,000 x \$4,729.78 = \$33,108,460*
- *Cat C = 600 x \$6,239.67 = \$ 3,743,802*
- Total cost = \$84,689,732*

Current Formula $30,600 \times \$2,079.89 = \$63,644,634$
Difference = Increase of *\$21,045,098*

Special Education 13 Disabilities:

1. Developmental Delay
2. Specific Learning Disabilities
3. Speech or Language Impairment
4. Autism
5. Deaf – Blindness
6. Emotional Disturbance
7. Hearing Impairment
8. Multiple Disabilities
9. Intellectual Disability
10. Other Health Impairments
11. Orthopedic Impairments
12. Traumatic Brain Injury
13. Visual Impairments



Data Fact Sheet



Individuals with Disabilities Education Act (IDEA) Part B Indicator 5: Education Environments (School Age)

{ Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6-21 served
(A) Inside the regular class 80% or more of day; (B) Inside the regular class less than 40% of
day; (C) In separate schools, residential facilities, or homebound/hospital placements. }

1A) 100% (B) 99% (C) 2.5%
As is

Federal Calculation:

Children with IEPs aged 5 who are enrolled in kindergarten (5K) and aged 6-21 served:

Indicator 5A: Inside regular class 80% or more of day

Number of children with IEPs (aged 5K – 21) served inside the regular class 80% or more of the day divided by the total number of students with IEPs (aged 5K – 21).

Indicator 5B: Inside regular class less than 40% of day

Number of children with IEPs (aged 5K – 21) served inside the regular class less than 40% of the day divided by the total number of students with IEPs (aged 5K – 21).

Indicator 5C: In separate schools, residential facilities, or homebound/hospital placements

Number of children with IEPs (aged 5K – 21) served in separate schools, residential facilities, or homebound/hospital placements divided by the total number of students with IEPs (aged 5K – 21).

NH Data System:

This data is captured in the New Hampshire Special Education Information System (NHSEIS) as entered by the district through special education and related services settings and placement settings as well as the length of school day for individual students through the count of students receiving special education and related services through an IEP or service plan as of October 1st.

This data is reported using the Child Count and Environment (Table 1&3) Report in NHSEIS.

District of Liability Review of Data:

Districts review the Child Count and Environment (Table 1&3) Report in NHSEIS November 1st through 15th for the October 1st child count for the current year.

To run the Child Count and Environment (Table 1&3) Report go to “Reports” in NHSEIS then the “State/Federal Reports Tab”. Select “Child Count and Environment (Table 1&3) -Student Records”, then enter 10/1 of the requested year for the “Date of Census” and click “Generate Report”. (see *NHSEIS Manual for Administrators*)



Data Fact Sheet

Reporting Requirements:

The Bureau uses the Indicator 5 calculation from the Child Count and Environment (Table 1&3) Report, per federal and state regulations, for:

- Reporting Indicator 5 data to the Office of Special Education Programs (OSEP),
- LEA Determinations,
- iReports, the NHED School and District Report Card for publicly available data, and
- Annual Determinations of Significant Disproportionality

Additional Information:

District level data is collected by sending district (district of liability) as assigned in NHSEIS.

Reference Links:

- [NH Department of Education - Indicator 5 Data](#)
- [NH Department of Education - Indicator 5 Data](#)
- [NH Department of Education - Indicator 5 Data](#)
- [NH Department of Education - Indicator 5 Data](#) (NHSEIS Manuals for Administrators and Teachers)
- [NH Department of Education - Indicator 5 Data](#)
- [NH Department of Education - Indicator 5 Data](#)

HB 540-FN-LOCAL - AS INTRODUCED

2023 SESSION

23-0048

10/08

HOUSE BILL

540-FN-LOCAL

AN ACT relative to adequate education grant amounts for pupils receiving special education services.

SPONSORS: Rep. Ladd, Graf. 5; Rep. Myler, Merr. 9; Rep. Cordelli, Carr. 7; Sen. Ward, Dist 8

COMMITTEE: Education

ANALYSIS

This bill provides for categories of special education services for application to the calculation of differentiated aid in adequate education grant amounts.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to adequate education grant amounts for pupils receiving special education services.

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

- 1 1 Cost of an Opportunity for an Adequate Education; Differentiated Aid; Special Education.
2 RSA 198:40-a, II(d) is repealed and reenacted to read as follows:
3 (d)(1) An additional \$2,079.89 for each pupil in the ADMR who is receiving special
4 education services with a category A disability, \$4,729.78 for each pupil in the ADMR who is
5 receiving special education services with a category B disability, and \$6,239.67 for each pupil in the
6 ADMR who is receiving special education services with a category C disability.
7 (2) For this subparagraph, "category A disability" applies to pupils receiving special
8 education services for less than 80 percent of the school day; "category B disability" applies to pupils
9 receiving special education services for 80 percent or more of the school day; and "category C
10 disability" applies to pupils receiving special education services in separate schools, residential
11 facilities, or homebound/ hospital placements.
12 2 Effective Date. This act shall take effect July 1, 2023.

LBA
23-0048
1/9/23

**HB 540-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to adequate education grant amounts for pupils receiving special education services.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education