

Amendment to HB 773-FN

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

2

3 1 Education; Special Education; State Aid. Amend RSA 186-C:18, III(a)-(b) to read as follows:

4 III.(a) The state board of education through the commissioner, department of education,  
5 shall distribute aid available under this paragraph as entitlement to such school districts as have a  
6 special education pupil for whose costs they are responsible, for whom the costs of special education  
7 in the fiscal year exceed 3 **and** 1/2 times the estimated state average expenditure per pupil for the  
8 school year preceding the year of distribution. ~~[If in any year, the amount appropriated for  
9 distribution as special education aid in accordance with this section is insufficient therefor, the  
10 appropriation shall be prorated proportionally based on entitlement among the districts entitled to a  
11 grant.]~~ ***If in any year, the amount appropriated for distribution as special education aid in  
12 accordance with this section is insufficient therefor, the appropriation shall be prorated  
13 proportionally based on entitlement among the districts entitled to a grant, provided that  
14 the department of education shall distribute to the school district not less than 80 percent  
15 of the district's entitlement for catastrophic aid costs in the fiscal year.*** If there are  
16 unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall  
17 be distributed for court-ordered placements and episodes of treatment under RSA 186-C:19-b. The  
18 state may designate up to \$250,000 of the funds which are appropriated as required by this  
19 paragraph, for each fiscal year, to assist those school districts which, under guidelines established by  
20 rules of the state board of education, may qualify for emergency assistance to mitigate the impact of  
21 special education costs. The state may designate up to an additional \$250,000 of the funds which are  
22 appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents  
23 to mitigate the impact of special education costs when emergency assistance is necessary to prevent  
24 significant financial harm to such district or community. Upon application to the commissioner of  
25 education, and approval by the commissioner, such funds may be accepted and expended by school  
26 districts in accordance with this chapter; provided, however, that if a school district has received  
27 emergency assistance funds for certain children with disabilities, it shall not receive special  
28 education aid for those same children with disabilities. If any of the funds designated for emergency  
29 assistance under this paragraph are not used for such emergency assistance purposes, the funds  
30 shall be used to assist school districts in meeting special education cost increases in their special  
31 education programs as provided by this paragraph.

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1 (b) The school district shall be liable for 3 **and** 1/2 times the estimated state average  
2 expenditure per pupil for the school year preceding the year of distribution, plus 20 percent of the  
3 additional cost, up to 10 times the estimated state average expenditure per pupil for the school year  
4 preceding the year of distribution.

5 2 Education; Special Education; State Aid. Amend RSA 186-C:18, IV to read as follows:

6 IV. ~~[The state shall appropriate an amount for each fiscal year to assist special education~~  
7 ~~programs that are statewide in their scope, and that meet the standards for such programs~~  
8 ~~established by the state board of education. Funds under this paragraph shall be administered and~~  
9 ~~distributed by the state board of education through the commissioner.]~~ ***The amount necessary to***  
10 ***fund special education aid under this section is hereby appropriated to the department***  
11 ***from the education trust fund created under RSA 198:39. The governor is authorized to***  
12 ***draw a warrant from the education trust fund to satisfy the state's obligation under this***  
13 ***section. Such warrant for payment shall be issued regardless of the balance of funds***  
14 ***available in the education trust fund. If the balance in the education trust fund, after the***  
15 ***issuance of any such warrant, is less than zero, the state comptroller shall transfer***  
16 ***sufficient funds from the general fund to eliminate such deficit. The commissioner of the***  
17 ***department of administrative services shall inform the fiscal committee and the governor***  
18 ***and council of such balance. This reporting shall not in any way prohibit or delay the***  
19 ***distribution of payments.***

20 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill removes the requirement that catastrophic special education funds be prorated among the school districts entitled to such aid and requires that disbursements for special education to a school district shall be at least 80 percent of the district's entitlement for catastrophic aid costs in the fiscal year.