

Amendment to HB 699

1 Amend RSA 186-C:2, I-d-II-a as inserted by section 1 of the bill by replacing it with the following:

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3 ***I-d. "Acquired brain injury" means a brain injury that occurs after birth, including***  
4 ***injury sustained by traumatic brain injury (TBI), injuries secondary to trauma, infection,***  
5 ***disease, or lack of oxygen resulting in total or partial functional disability, and/or***  
6 ***psychosocial impairment, and/or cognitive impairment, that adversely affects a child's***  
7 ***educational performance and requires special education and or related services.***

8 II. "Approved program" means a program of special education [~~that has been approved by~~  
9 ~~the state board of education and that is maintained by a school district, regional special education~~  
10 ~~center, private organization, or state facility for the benefit of children with disabilities, and may~~  
11 ~~include home instruction provided by the school district]~~ ***within the school districts, chartered***  
12 ***public schools, public academies, joint maintenance agreements, state facilities or private***  
13 ***providers of special education that is responsible for all aspects of the provision of special***  
14 ***education services and related supports.***

15 ***II-a. "Approved Educational environment" means a special education setting that***  
16 ***has received approval from the bureau. This environment is managed by the school***  
17 ***district, chartered public school, public academy or joint maintenance agreement and***  
18 ***serves children with disabilities, as specified in their individual education program, when***  
19 ***they are removed from their general education setting. This does not limit the different***  
20 ***educational environments afforded to students through IDEA and would only apply to***  
21 ***resource rooms, self-contained classrooms, and early childhood special education***  
22 ***programs. Children with disabilities will be placed in the least restrictive environment***  
23 ***where they are able to make the most progress towards their goals as determined by their***  
24 ***IEP team with an emphasis on the regular education setting.***

25

26 Amend RSA 186-C:2, V-VII as inserted by section 1 of the bill by replacing it with the following:

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28 ***V. "Specially designed instruction" is defined in the Individuals with Disabilities***  
29 ***Act 34 C.F.R. section 300.39(b)(3) and means instruction which is:***

30 ***(a) Provided by appropriately state certified teachers or related services***  
31 ***providers;***

1           **(b) Delivered in an explicit, systemic manner;**

2           **(c) Can be provided in any educational environment in accordance with the**  
3 **child's IEP and least restrictive environment;**

4           **(d) Directly addresses goals in the child's IEP; and**

5           **(e) Is closely monitored to make sure that the student is making progress toward**  
6 **mastering their goals.**

7           **VI. "Special education information system" is the electronic information system**  
8 **used by all districts to report their special education data and student information for**  
9 **federal and state requirements.**

10           **VII. "Related services" shall be as defined in the Individuals with Disabilities**  
11 **Education Act and 34 C.F.R. section 300.34.**

12           **VIII. "Parent" means:**

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

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

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

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

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

21 a.

22  
23 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to  
24 read as 3:

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26           2 Braille Instruction for Students with Visual Impairments. Amend RSA 186-C:7-b to read as  
27 follows:

28           186-C:7-b Braille Instruction for ~~[Functionally Blind Pupils]~~ **Students with Visual**  
29 **Impairments.**

30           In developing the individualized education program for a ~~[functionally blind pupil]~~ **student with**  
31 **visual impairments as defined by 34 C.F.R. section 300.8(c)(13)**, there shall be:

32           I. A presumption that proficiency in Braille reading and writing is essential for the pupil's  
33 satisfactory educational progress. Every ~~[functionally blind pupil]~~ **student with a visual**  
34 **impairment** shall be entitled to Braille reading and writing instruction unless all members of the  
35 pupil's special education team concur that instruction in Braille or the use of Braille is not  
36 appropriate for the pupil.

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1           II. Instruction in Braille shall be provided by a teacher certified by the state department of  
2 education to teach pupils with visual impairment.

3           III. An initial learning media assessment by a teacher certified in the education of pupils  
4 with visual impairment shall be conducted. This assessment shall be conducted every 3 years and  
5 reviewed annually.