

Amendment to HB 1563-FN-LOCAL

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 to read as follows:

4 III.(a) The department of education shall distribute aid available under this paragraph as
5 entitlement to such school districts as have a special education pupil for whose costs they are
6 responsible, for whom the costs of special education in the fiscal year [~~exceed 3 and 1/2 times the~~
7 ~~most current state average expenditure per pupil for the school year preceding the year of~~
8 ~~distribution]~~ **exceed \$50,000**. If in any year, the amount appropriated for distribution as special
9 education aid in accordance with this section is insufficient therefor, the appropriation shall be
10 prorated proportionally based on entitlement among the districts entitled to a grant, provided that
11 the department of education shall distribute to the school district not less than 80 percent of the
12 district's entitlement in the fiscal year. ***Beginning July 1, 2029 and each year thereafter the***
13 ***proration percentage distributed to the school district shall be no less than 90 percent of***
14 ***the district's entitlement in the fiscal year.*** The state may designate up to \$250,000 of the funds
15 which are appropriated as required by this paragraph, for each fiscal year, to assist those school
16 districts which, under guidelines established by rules of the state board of education, may qualify for
17 emergency assistance to mitigate the impact of special education costs. The state may designate up
18 to an additional \$250,000 of the funds which are appropriated under this paragraph for each fiscal
19 year for any community of 1,000 or fewer residents to mitigate the impact of special education costs
20 when emergency assistance is necessary to prevent significant financial harm to such district or
21 community. Upon application to the commissioner of education, and approval by the commissioner,
22 such funds may be accepted and expended by school districts in accordance with this chapter;
23 provided, however, that if a school district has received emergency assistance funds for certain
24 children with disabilities, it shall not receive special education aid for those same children with
25 disabilities. If any of the funds designated for emergency assistance under this paragraph are not
26 used for such emergency assistance purposes, the funds shall be used to assist school districts in
27 meeting special education cost increases in their special education programs as provided by this
28 paragraph.

29 (b) The school district shall be liable for [~~3 and 1/2 times the estimated state average~~
30 ~~expenditure per pupil for the school year preceding the year of distribution]~~ ***\$50,000 per pupil plus***
31 ***90 percent of the additional cost up to \$60,000***, plus 20 percent of the additional cost, up to [~~10~~

Amendment to HB 1563-FN-LOCAL

- Page 2 -

1 ~~times the estimated state average expenditure] \$200,000 per pupil, [for the school year preceding~~
2 ~~the year of distribution.] and 10 percent of the cost above \$200,000 per pupil.~~

3 (c) The department of education shall be liable for **10 percent of the cost per pupil**
4 **from \$50,000 to \$60,000 and** 80 percent of the cost above ~~[the 3 1/2 times the estimated state~~
5 ~~average expenditure] \$60,000 per pupil [for the school year preceding the year of distribution, up to~~
6 ~~10 times the estimated state average expenditure per pupil for the school year preceding the year of~~
7 ~~distribution. The department of education shall be liable for all costs in excess of 10 times the~~
8 ~~estimated state average expenditure per pupil for the school year preceding the year of distribution.],~~
9 **up to \$200,000, and 90 percent of the cost above \$200,000.**

10 (d) **Beginning July 1, 2028 and every year thereafter, the department of**
11 **education shall adjust formula costs in subparagraphs (a)-(c) with an increase of 2**
12 **percent annually.**

13 2 New Paragraph; Education; Special Education; State Aid. Amend RSA 186-C:18 by inserting
14 after paragraph XI the following new paragraph:

15 XII. A district shall be deemed eligible for special education aid when the costs associated
16 with an individual student, after offsets applied by the district for the benefit of the student and for
17 other available revenue sources, exceed \$50,000 of the expenditure per pupil pursuant to
18 subparagraph III(a).

19 (a) In calculating costs associated with an individual student, the costs shall be incurred
20 solely as a result of the provision of special education and related services to the student's individual
21 education program pursuant to RSA 186-C:7.

22 (b) All services included in a claim for special education aid shall be specified and
23 documented in an IEP and tied to the child's disability related needs and program. Such costs shall
24 be necessary, reasonable, directly benefit the student's education and disability needs as outlined in
25 their IEP. The state shall provide funding to school districts to help offset such expenses, but
26 districts shall also be responsible for a portion of the costs.

27 (c) The district shall demonstrate and document that it has fully accessed, to the
28 maximum extent possible, other available revenue sources, including Medicaid and private
29 insurance, or provide documentation as to why other revenue sources were unavailable to the
30 district for special education aid.

31 (d) Other available revenue sources, including Medicaid and private insurance, shall be
32 applied by the district as offsets to reimbursable costs for each special education cost reimbursed
33 through special education aid.

34 (e) A pupil's local education agency (LEA) shall provide documentation on the specific
35 costs being claimed for each student. If there are questions about an LEA's claim and its costs are
36 not documented, the claim may be disqualified. Appropriate documentation is included in the IEP
37 for each student. All services included in the claim shall be specified in the IEP, and tied to the

Amendment to HB 1563-FN-LOCAL

- Page 3 -

1 child's disability-related needs and programs. All documentation should connect each cost to the
2 IEP, demonstrating that it is an actual cost of special education specific to the students. Appropriate
3 documentation in support of the IEP may include, but not be limited to, daily schedules, payroll
4 records, and invoices.

5 3 Effective Date. This act shall take effect July 1, 2028.