

SB 292-FN-A - AS INTRODUCED

2025 SESSION

25-1031

02/08

SENATE BILL            **292-FN-A**

AN ACT                authorizing a warrant for the funding of state special education aid.

SPONSORS:            Sen. Lang, Dist 2; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19;  
Sen. Innis, Dist 7; Sen. McGough, Dist 11; Sen. Pearl, Dist 17; Sen. Rosenwald,  
Dist 13; Sen. Gannon, Dist 23; Sen. Watters, Dist 4; Sen. Sullivan, Dist 18; Sen.  
Perkins Kwoka, Dist 21; Rep. Moffett, Merr. 4

COMMITTEE:          Education Finance

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ANALYSIS

This bill authorizes the governor to draw a warrant from the general fund to fund the state's obligation to distribute special education aid to school districts.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT authorizing a warrant for the funding of state special education aid.

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

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

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

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- 1 assist school districts in meeting special education cost increases in their special education programs
- 2 as provided by this paragraph.
- 3       2 Effective Date. This act shall take effect July 1, 2025.

**SB 292-FN-A- FISCAL NOTE  
AS INTRODUCED**

AN ACT authorizing a warrant for the funding of state special education aid.

**FISCAL IMPACT:**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase - Likely \$16.4M or More Per Year		
<i>Funding Source(s)</i>	Education Trust Fund			
<b>Appropriations*</b>	\$0	This bill allows for the Department of Education to draw necessary funds		
<i>Funding Source(s)</i>	Education Trust Fund			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase - Likely \$16.4M or More Per Year		

**METHODOLOGY:**

This bill eliminates the proration provision for the determination of special education (SPED) aid to school districts under RSA 186-C:18 and provides authority for the Department of Education to draw additional funds from the education trust fund should appropriated amounts be insufficient to make full payments. The Department states this bill's impact on state expenditures and local district revenue is indeterminable as the number of students that could qualify each year cannot be predicted. The total amount of claims submitted for SPED aid for school year 2023-2024 (FY 2025) was \$50,273,602. The FY 2025 appropriation is \$33,917,000, resulting in a proration of 67.5%. Based on those figures, this bill would increase SPED aid by \$16,356,602, or more, per year beginning in FY 2026.

**AGENCIES CONTACTED:**

Department of Education

