

# Senate Education Committee

*Trevor Currier 271-4151*

**HB 1099**, establishing a committee to study private businesses providing special education services and issues relative to local school district reimbursement.

**Hearing Date:** March 17, 2026

**Time Opened:** 10:17 a.m.

**Time Closed:** 10:35 a.m.

**Members of the Committee Present:** Senators Ward, Sullivan, Prentiss and Altschiller

**Members of the Committee Absent :** Senator Abbas

**Bill Analysis:** This bill establishes a committee to study private businesses providing special and behavioral education services to school age children, and whether local school districts are receiving adequate reimbursement for special and behavioral education services that are provided.

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**Sponsors:**

Rep. Hill

Rep. Bernardy

Rep. Erf

Rep. Freeman

Rep. Kofalt

Rep. Sheehan

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**Who supports the bill:** Representative Greg Hill, Representative Hope Damon, Representative Rick Ladd, Eric Pauer, and Lance Turgeon.

**Who opposes the bill:** Lisa Beaudoin (Strategies for Disability Equity) Karen Burnett-Kurie, Janet Lucas, Priscilla Dube, Fiona Geary, Nancy Donahue, and Suzanna Derynioski.

**Who is neutral on the bill:** Elizabeth Brown (New Hampshire Department of Education), Jillian Godbout, and Storme Guaraldi

**Summary of testimony presented in support:**

**Representative Greg Hill (Northfield) and Elizabeth Brown (DOE)**

- Representative Hill introduced and testified in support of House Bill 1099.
- Rep. Hill stated that this bill covers a very complicated issue and was voted out of the education funding committee 18-0.

- He stated that the issue was brought to him by the chair of the Winnisquam School Board. The board asked how reimbursement would be handled when DCYF places children in a private institution, such as Spaulding, for room and board only, and then sends the child to a traditional public school. He clarified that there is currently no process for the Winnisquam school district to be reimbursed.
- He stated that the Department of Education and the DCYF speak to the situation described differently.
- Ms. Brown expressed that there are overlapping issues when it comes to education funding among state departments.
- Ms. Brown established that DHS is placing children for a variety of reasons, some may be court-ordered, and some may be for treatment. She stated that this includes regular education children who are still receiving their education from the local public school.
- She shared that current case law permits the students residing at Spaulding to attend the public school where Spaulding is located. However, it has caused a financial impact on the local school.
- She clarified that case law also recognizes the hardship it may impose on local school districts and leaves it to the legislature to decide how these costs should be allocated. She stated the charge of the proposed committee created in the bill is to determine that question—how these costs should be funded and by whom.
- She described the legislation around children placed by DCYF and their placements for education as a ‘regulatory thicket’ because terms are not defined clearly and provisions are not aligned. She cited an example that court-ordered placement is not defined in the law.
- She shared that there are instances where children are moved multiple times before the school district where the child was supposed to be placed is made aware.
- Rep. Hill added that Winnisquam is a cooperative district, which complicates the matter further due to the apportionment mechanism. He stated that this is not an isolated issue; he was aware of three other instances around the state.
- Senator Altschiller asked if the references to private and non-profit businesses in the bill refer to Spaulding. He replied that he initially thought Spaulding operated under both a non-profit and a private business model, but he has since learned that is not the case.
- Senator Altschiller clarified that the committee's responsibility is to examine reimbursement rates for public school districts for special education services provided outside of the school. Ms. Brown responded that it is not just about special education services, as the legislation also covers students without IEPs who are placed at Spaulding for residential placement but are receiving their

education at the public school. She added that special education costs are borne by the district where the child is currently enrolled, while the resident district, where the child originally came from, is responsible for covering the costs of special education services. Ms. Brown emphasized that, at present, only the special education component is covered by law.

- Senator Altschiller asked if the sponsor would be willing to help craft an amendment that accurately reflects the sponsor's intent. Rep. Hill stated that he is willing to work on an amendment.

### **Representative Rick Ladd**

- Representative Ladd testified in support of House Bill 1099.
- He read the committee report filed by the House Education Finance Committee.
- He shared that this is not an isolated issue with one particular district; it is happening all around the state.
- He stated that children at Spaulding can be placed there by DCYF, HHS, DOE, and similar agencies in Massachusetts.
- He stated that this is a significant issue that requires a better solution.
- Senator Altschiller asked if Representative Ladd had an amendment he'd be willing to work with the committee on. He replied that an amendment could be drafted within a day.

**Summary of testimony presented in opposition:** None.

### **Neutral Information Presented:**

#### **Karen Rosenberg, Disability Rights Center**

- Ms. Rosenberg reflected on a previous case she was involved in with a child whose parents left the state, and the question became who the district of liability is.
- She emphasized that the children should not get lost in the cracks when making decisions.
- She established that current law is confusing when determining the district of liability, and clearer guidance would be helpful.