

HB 1428-FN - AS INTRODUCED

2022 SESSION

22-2178

10/05

HOUSE BILL

1428-FN

AN ACT relative to the provision of special education services by chartered public schools.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21; Rep. Notter, Hills. 21; Rep. Weyler, Rock. 13; Sen. Ward, Dist 8; Sen. Carson, Dist 14

COMMITTEE: Education

ANALYSIS

This bill provides for a chartered public school to hire or contract for special education services if the school district fails to provide the services.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the provision of special education services by chartered public schools.

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

1 1 New Subparagraph; Chartered Public Schools; Special Education Plans. Amend RSA 194-
2 B:11, III by inserting after subparagraph (c) the following new subparagraph:

3 (d) At least 2 weeks prior to the start of the school year, special education plans under
4 subparagraphs (a)-(c) shall be finalized, confirmed, and reviewed between a district and chartered
5 public school. If the district fails to provide the services needed to a chartered public school student
6 within 2 weeks of the start of the school year, then the chartered public school may hire or contract
7 with their chosen specialists to provide the services while the child's resident district shall continue
8 to have the financial responsibility for the full cost of the services. If a 2-week lapse in district
9 special education services occurs within the school year, the chartered public school may hire or
10 contract with their chosen specialists to provide the services while the child's resident district shall
11 continue to have the financial responsibility for the full cost of the services.

12 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1428-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the provision of special education services by chartered public schools.

FISCAL IMPACT: ☐ State ☐ County ☒ Local ☐ None

LOCAL:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill would require, at least two (2) weeks prior to the start of the school year, school districts and chartered public schools create special education plans to address the needs of children from the district with special needs who are attending a chartered public school. This bill also provides that should the district fail to deliver the required special education services within two (2) weeks of the start of the school year, then the chartered public school would be authorized to hire or contract with the necessary staff or specialist(s) to provide the required services. The student's school district would be financially responsible for such cost(s). This same "authorization to hire" would occur should the district fail to implement the special education plan or if the district has a two (2) week lapse in providing the required special education services.

The Department of Education states school districts create their budgets based, in part, on the special education services and related supports as identified in children with disabilities' Individual Education Program (IEP). However, upon a lapse in the district's service, this bill grants authority to the chartered public school to procure the necessary services at district cost. It is unclear how often this lapse in the provision of district services does, or is anticipated, to occur and how extensive the required service would be. As such, the cost of this proposed bill and potential impact on district budgets, if any, in FY 2023 and each year thereafter is indeterminable.

AGENCIES CONTACTED:

Department of Education