

Rep. Ladd, Graf. 5
Rep. Cordelli, Carr. 7
May 15, 2024
2024-1995h
05/02

Floor Amendment to SB 340

Amend the title of the bill by replacing it with the following:

AN ACT relative to communication between parents and school districts regarding special education, special education reporting requirements, and the office of the advocate for special education.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Individualized Education Programs; Notice Requirement and Use of Special Education Information System. Amend RSA 186-C:7 by inserting after paragraph IV the following new paragraphs:

V. The school district may provide the written notice and records regarding the child's individualized education program required under this chapter to the parent by electronic mail, unless the parent elects to receive such information by U.S. mail.

VI. To assist parents and schools, local school districts shall notify the department through the special education information system that an individualized education program, educational placement, identification, or evaluation of a child has been rejected by the parent within 5 instruction days of the decision. Within 30 business days following notification, the department shall communicate to the parent a description of the available resolution processes and sources for information or assistance in pursuing resolution. The department may use personally identifiable information in the special education information system to mail or email the parent the description of the referenced dispute resolution process.

2 Department of Education; Annual Report Regarding Special Education. Amend RSA 186-C:3-a, II-a(a) to read as follows:

(a) In addition to the requirements of paragraph II, the department of education shall ~~[annually]~~ submit ~~[a]~~ **an annual** report **by September 1**, to the commissioner of the department and the state board of education that:

(1) Shows the identification of children with disabilities analyzed according to the following criteria: age and grade level, and number and percentage of the total number of children with disabilities in each disability category.

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1 (2) Includes expenditures for special education as reported to the department of
2 education by school districts and state and federal revenues for special education received by school
3 districts.

4 (3) Shows the annual progress and compliance on the state's performance plan
5 required by 20 U.S.C. section 1416(b), 20 U.S.C. section 1412(a)(15), and 20 U.S.C. section
6 1416(a)(3).

7 (4) Shows the progress and compliance with the requirements in the ~~[No Child Left~~
8 ~~Behind Act of 2001]~~ **Every Student Succeeds Act (ESSA) of 2015**, 20 U.S.C. section 6311(b), and
9 RSA 193-E:3, and RSA 193-H:2, with respect to children with disabilities.

10 (5) ***Shows the number and category of parental refusals or partial refusals***
11 ***of services or placements for students with disabilities proposed in individualized***
12 ***education programs (IEPs) and tracks the resolution of those parental refusals, including***
13 ***the timeline for resolution through dispute resolution methods provided by or overseen by***
14 ***the department.***

15 3 Office of the Advocate for Special Education. Amend RSA 186-C:38, I(d) to read as follows:

16 (d) Have authority to inquire of, investigate, and review all documents from any school,
17 district, or ~~[special education department in this state. The advocate shall have access to all IEP~~
18 ~~documents, 504 plans, related supports and services, treatment plans, progress reports, and report~~
19 ~~cards of all students with disabilities.]~~ ***the department consistent with state and federal laws.***
20 ***Any required parental consent for access shall be obtained by the advocate and provided to***
21 ***the department. The department and advocate shall enter into a memorandum of***
22 ***understanding for access to student records maintained by the department.***

23 4 Advocate for Special Education. Amend RSA 186-C:39, II to read as follows:

24 II. The annual report shall also include a summary of the parent complaints being filed
25 against schools by families in regard to these services. The complaints shall remain confidential and
26 shall not be made available to the public. For purposes of this section, the complaints are as to the
27 lack of compliance of IEP and 504 plans or the denial of eligibility and/or lack of services. ***To assist***
28 ***in the fulfillment of the duty to prepare this annual report, the advocate shall be provided,***
29 ***upon request, reports generated from any databases maintained at the department that***
30 ***pertain to complaints and resolution of disputes regarding the provision of special***
31 ***education and related services. Such reports to the advocate may include personally***
32 ***identifiable data, including but not limited to district of liability and student***
33 ***identification numbers if so requested by the advocate for purposes of the advocate's***
34 ***understanding of the resolution of complaints. Any personally identifiable student***
35 ***information shall be fully redacted or not included in the aggregate data provided in the***
36 ***advocate's annual report.***

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1 5 Local School District Alternative Dispute Resolution Programs. Amend RSA 186-C:23-a to
2 read as follows:

3 186-C:23-a Local School District Alternative Dispute Resolution Programs.

4 I. Each school district in New Hampshire ~~[is encouraged to]~~ **may** develop options for
5 alternative dispute resolutions which can be utilized at the local district level. A plan outlining
6 these methods ~~[may]~~ **shall** be submitted to the department of education for review. The department
7 shall provide technical assistance at the request of the school districts in developing and
8 implementing these alternative dispute resolution options.

9 II. Local school districts ~~[and parents are encouraged to]~~ **shall** submit to the department of
10 education information relating to methods of alternative dispute resolution ~~[which have proven to be~~
11 ~~effective]~~ **that have been used within the district each year, including the topic of the**
12 **dispute and resolution, if any.** Pursuant to RSA 21-N:7, II, the department shall develop a
13 system whereby such information can be collected~~[]~~ **and** compiled~~[, and disseminated to local school~~
14 ~~districts]~~.

15 6 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS'

This bill:

I. Provides that the school district may provide information regarding a child's special education program by electronic mail unless the parent elects to receive such information by U.S. mail.

II. Expands certain special education reporting requirements by local districts, the department of education, and the advocate for special education.

III. Directs the department of education and advocate for special education to enter into a memorandum of understanding regarding access to student records maintained by the department.