

HB 431 - AS AMENDED BY THE HOUSE

27Mar2025... 0724h

2025 SESSION

25-0471
02/08

HOUSE BILL

431

AN ACT establishing a commission to study the costs of special education.

SPONSORS: Rep. Damon, Sull. 8; Rep. Cornell, Hills. 22; Rep. Fellows, Graf. 8; Rep. N. Germana, Ches. 15; Rep. M. Hall, Merr. 9; Rep. H. Howard, Straf. 4; Rep. Luneau, Merr. 9; Rep. Petrigno, Hills. 43; Rep. Raymond, Hills. 5; Rep. Woodcock, Carr. 1; Sen. Altschiller, Dist 24; Sen. Fenton, Dist 10; Sen. Long, Dist 20; Sen. Prentiss, Dist 5

COMMITTEE: Education Policy and Administration

AMENDED ANALYSIS

This bill establishes a commission to study the cost of special education in public schools.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a commission to study the costs of special education.

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

1 1 New Section; Commission Established; Special Education Costs. Amend RSA 186-C by
2 inserting after section 1 the following new section:

3 186-C:1-a Commission to Study Costs of Special Education Established.

4 I. There is established a commission to explore the costs of special education within public
5 schools to school districts based on annual reporting, and to study specific revenue sources for the
6 state to provide greater funding to reduce the reliance on local property taxes.

7 II. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

8 (a) Five members of the house of representatives, appointed by the speaker of the house
9 of representatives.

10 (b) Two members of the senate, appointed by the president of the senate.

11 (c) One special education educator, appointed by the New Hampshire Association of
12 Special Education Administrators.

13 (d) The department of education director of special education, or designee.

14 (e) The advocate for special education, or designee.

15 (f) One public member, appointed by the chair of the commission.

16 (g) Two special education parent advocates, appointed by the governor.

17 (h) The commissioner of the department of education, or designee.

18 (i) The commissioner of the department of health and human services, or designee.

19 III. The commission shall study the following aspects and costs of special education:

20 (a) Student referral rates by IDEA category for special education programs.

21 (b) Why students may be labeled "other health impaired."

22 (c) The increase in referrals since the COVID school closures.

23 (d) Whether there are interventions that can be implemented prior to referrals for
24 special education for some IDEA categories.

25 (e) The cost to provide services which are not "medically necessary" as defined by
26 Medicaid, including services which are required to meet a child's agreed upon goals as part of their
27 Individualized Education Program (IEP) and services required as part of a 504 Plan.

28 (f) A comparison of the processes, requirements, and services under federal IDEA law,
29 state law, and the rules of the department of education.

30 (g) The local district reporting of special education costs to the department of education.

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1 (h) The local district costs for out of district placement and if other options were
2 available.

3 (i) The analysis and effectiveness of local district developed dispute resolution options.

4 (j) The use of state funds to provide services.

5 (k) The Medicaid to Schools program, including:

6 (1) Who uses service reimbursement funds.

7 (2) Whether billing is in house or outsourced and its relationship with student data
8 privacy.

9 (3) Categories of reimbursement and rates therefor.

10 (l) Use of insurance by local districts to contract for legal services.

11 (m) Graduation rates for students with disabilities by type of diploma and age and
12 attendance in adult learning programs.

13 IV. Legislative members of the commission shall receive mileage at the legislative rate when
14 attending to the duties of the commission.

15 V. The members of the commission shall elect a chairperson and vice chairperson from
16 among the members. The first meeting of the commission shall be called by the first named house
17 member. The first meeting of the commission shall be held within 45 days of the effective date of
18 this section. Seven members of the commission shall constitute a quorum.

19 VI. The commission shall report its findings and any recommendations for proposed
20 legislation to the president of the senate, the speaker of the house of representatives, the
21 chairpersons of the senate and house committees with jurisdiction over education, the state board of
22 education, the governor, and the state library. An initial report shall be submitted on or before
23 November 1, 2025. A final report shall be submitted on or before July 1, 2026.

24 2 Repeal. RSA 186-C:1-a, relative to the commission to study special education is repealed.

25 3 Effective Date.

26 I. Section 2 of this act shall take effect July 1, 2026.

27 II. The remainder of this act shall take effect upon its passage.