

HB 699 - VERSION ADOPTED BY BOTH BODIES

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2025 SESSION

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HOUSE BILL

699

AN ACT relative to special education definitions.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. Drye, Sull. 7; Rep. Cordelli, Carr. 7

COMMITTEE: Education Policy and Administration

ANALYSIS

This bill redefines and adds new definitions related to special education.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to special education definitions.

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

1 1 Special Education; Definitions. Amend RSA 186-C:2 to read as follows:

2 186-C:2 Definitions.

3 In this chapter:

4 I. "Child with a disability" means any person between the ages of 3 and 21, inclusive, who
5 has been identified and evaluated by a school district according to rules adopted by the state board of
6 education and determined to have an intellectual disability, a hearing impairment including
7 deafness, a speech or language impairment, a visual impairment including blindness, an emotional
8 disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury,
9 another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a
10 child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who
11 because of such impairment, needs special education or special education and related services.
12 "Child with a disability" shall include a person between the ages of 18 and 21 inclusive, who was
13 identified as a child with a disability and received services in accordance with an individualized
14 education program but who left school prior to his or her incarceration, or was identified as a child
15 with a disability but did not have an individualized education program in his or her last educational
16 institution.

17 I-a. "Developmentally delayed child" means a child at least 3 years of age or older, but less
18 than 10 years of age, who, because of impairments in development, needs special education or special
19 education and related services, and may be identified as being developmentally delayed provided
20 that such a child meets the criteria established by the state board of education.

21 I-b. "Division" means the division of learner support, department of education.

22 ***I-c. "Bureau" means the bureau of special education support within the division of***
23 ***learner support in the department of education.***

24 ***I-d. "Acquired brain injury" means a brain injury that occurs after birth, including***
25 ***injury sustained by traumatic brain injury (TBI), injuries secondary to trauma, infection,***
26 ***disease, or lack of oxygen resulting in total or partial functional disability, and/or***
27 ***psychosocial impairment, and/or cognitive impairment, that adversely affects a child's***
28 ***educational performance and requires special education and or related services.***

29 II. "Approved program" means a program of special education [~~that has been approved by~~
30 ~~the state board of education and that is maintained by a school district, regional special education~~
31 ~~center, private organization, or state facility for the benefit of children with disabilities, and may~~

~~include home instruction provided by the school district]~~ *within the school districts, chartered public schools, public academies, joint maintenance agreements, state facilities or private providers of special education that is responsible for all aspects of the provision of special education services and related supports.*

II-a. "Approved Educational environment" means a special education setting that has received approval from the bureau. This environment is managed by the school district, chartered public school, public academy or joint maintenance agreement and serves children with disabilities, as specified in their individual education program, when they are removed from their general education setting. This does not limit the different educational environments afforded to students through IDEA and would only apply to resource rooms, self-contained classrooms, and early childhood special education programs. Children with disabilities will be placed in the least restrictive environment where they are able to make the most progress towards their goals as determined by their IEP team with an emphasis on the regular education setting.

III. "Individualized education program" means a written plan for the education of a child with a disability that has been developed by a school district in accordance with rules adopted by the state board of education and that provides necessary special education or special education and related services within an approved program.

IV. "Special education" means ~~[instruction specifically]~~ ***specially*** designed ***instruction*** to meet the unique needs of a child with a disability.

~~V.(a) "Related services" means:~~

~~(1) Suitable transportation to all children with disabilities whose individualized education program requires such transportation. The school district may board a child as close to the place where instruction is to be furnished as possible, and shall provide transportation, if required by the child's individualized education program, from the place where the child is boarded to the place of instruction; and~~

~~(2) Such developmental, corrective, and other supportive services as are specifically required by an individualized education program to assist a child with a disability to benefit from special education; and~~

~~(3) Services necessary for a child with a disability to benefit from special education and when placement in a residential facility has been made by the legally responsible school district in order to comply with RSA 186-C:9, or when placement has been ordered by a hearings officer or by a court of competent jurisdiction on appeal, pursuant to rules adopted by the state board of education under RSA 186-C:16, IV.~~

~~(b) "Related services" shall not include medical services unless such services are necessary for purposes of diagnosis and evaluation.~~

VI. "Functionally blind" means a pupil who has:

~~(a) Visual acuity of 20/200 or less in the better eye with the use of the best correction for any refractive error, or a limited field of vision in which the widest diameter of the visual field subtends an angle no greater than 20 degrees.~~

~~(b) A medically indicated expectation of visual deterioration.~~

~~(c) A functional limitation resulting from a medically diagnosed visual impairment which restricts the child's ability to read and write standard print at levels expected of other children of comparable ability and grade level.]~~

V. "Specially designed instruction" is defined in the Individuals with Disabilities Act 34 C.F.R. section 300.39(b)(3) and means instruction which is:

(a) Provided by appropriately state certified teachers or related services providers;

(b) Delivered in an explicit, systemic manner;

(c) Can be provided in any educational environment in accordance with the child's IEP and least restrictive environment;

(d) Directly addresses goals in the child's IEP; and

(e) Is closely monitored to make sure that the student is making progress toward mastering their goals.

VI. "Special education information system" is the electronic information system used by all districts to report their special education data and student information for federal and state requirements.

VII. "Related services" shall be as defined in the Individuals with Disabilities Education Act and 34 C.F.R. section 300.34.

VIII. "Parent" means:

(a) A natural or adoptive parent of a child who has legal custody of the child;

(b) A guardian of a child, but not the state when the state has legal guardianship of the child;

(c) A person acting in the place of a custodial parent or guardian of a child, if no other custodial parent or guardian is available, who is designated in writing to make educational decisions on the child's behalf by such parent or guardian;

(d) A surrogate parent who has been appointed in accordance with RSA 186-C:14; or

(e) A foster parent of a child who has been appointed in accordance with RSA 186-C:14-

a.

2 Braille Instruction for Students with Visual Impairments. Amend RSA 186-C:7-b to read as follows:

186-C:7-b Braille Instruction for [Functionally Blind Pupils] Students with Visual Impairments.

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1 In developing the individualized education program for a ~~[functionally blind pupil]~~ ***student with***
2 ***visual impairments as defined by 34 C.F.R. section 300.8(c)(13)***, there shall be:

3 I. A presumption that proficiency in Braille reading and writing is essential for the pupil's
4 satisfactory educational progress. Every ~~[functionally blind pupil]~~ ***student with a visual***
5 ***impairment*** shall be entitled to Braille reading and writing instruction unless all members of the
6 pupil's special education team concur that instruction in Braille or the use of Braille is not
7 appropriate for the pupil.

8 II. Instruction in Braille shall be provided by a teacher certified by the state department of
9 education to teach pupils with visual impairment.

10 III. An initial learning media assessment by a teacher certified in the education of pupils
11 with visual impairment shall be conducted. This assessment shall be conducted every 3 years and
12 reviewed annually.

13 3 Effective Date. This act shall take effect 60 days after its passage.