

Amendment to HB 431

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

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

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

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7 1 New Section; Commission Established; Special Education Costs. Amend RSA 186-C by  
8 inserting after section 1 the following new section:

9 186-C:1-a Commission to Study Costs of Special Education Established.

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

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

14 (a) Five members of the house of representatives, appointed by the speaker of the house  
15 of representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12               (1) Who uses service reimbursement funds.

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

15               (3) Categories of reimbursement and rates therefor.

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

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

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

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

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

30          2 Repeal. RSA 186-C:1-a, relative to the commission to study special education is repealed.

31          3 Effective Date.

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

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

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AMENDED ANALYSIS

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