

HB 699 - AS INTRODUCED

2025 SESSION

25-0563

02/09

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 infection, disease, or lack of oxygen resulting in total or partial***
26 ***functional disability, or psychosocial impairment, or both, that adversely affects a child's***
27 ***educational performance and requires special education and or related services.***

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

1 *responsible for all aspects of the provision of special education services and related*
2 *supports, including special education staff or district personnel who are assigned roles for*
3 *the provision of special education services and related supports. This includes specialized*
4 *educational environments, and the accommodations, modifications, and services delivered*
5 *within the general education setting to support children with disabilities and has been*
6 *approved by the bureau.*

7 *II-a. "Educational environment" means a special education setting that has*
8 *received approval from the bureau, this environment is managed by the school district and*
9 *serves children with disabilities, as specified in their individual education program, when*
10 *they are removed from their general education setting. Educational environments are*
11 *resource rooms, self-contained classrooms, and early childhood special education*
12 *programs.*

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

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

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

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

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

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

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

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

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

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

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

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

10 ***(a) Provided by special education teachers or related services providers;***

11 ***(b) Delivered in an explicit, systemic manner;***

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

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

15 ***(e) Is closely monitored to make sure that the student is making progress and***
16 ***mastering their goals; and***

17 ***(f) Does not involve lowering standards or expectation for the student and***
18 ***provides ambitious goals.***

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

22 ***VII. "Parent" means:***

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

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

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

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

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

31 ***a.***

32 ***2 Effective Date. This act shall take effect 60 days after its passage.***