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RE: Opposition to HB 1221 – Centralization of Special Education Services

Dear Esteemed Members,

I am a parent of a student with disabilities, as well as a non-attorney special education and disability justice advocate and I am writing to express my strong opposition to **HB 1221**, which seeks to study the centralization of special education services in regional hubs. While the stated goal is fiscal efficiency, this proposal fundamentally undermines the civil rights of New Hampshire students with disabilities, violates federal and state mandates, and ignores decades of neuroaffirming research regarding student outcomes.

I urge you to consider the following:

1. Violation of the Least Restrictive Environment (LRE) Mandate

Under the **Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1412(a)(5)**, and **NH Ed 1111.01**, school districts are federally mandated to ensure that, to the maximum extent appropriate, children with disabilities are educated with children who are non-disabled. Centralizing services into regional "hubs" creates a de facto segregated system. Moving students out of their home districts and away from their typical peers based on administrative convenience rather than individual need is a direct violation of the LRE principle.

2. Erosion of FAPE and Individualization

The Supreme Court ruled in **Andrew F. v. Douglas County School District (2017)** that an IEP must be "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." By centralizing services, the State risks creating "cookie-cutter" programs that prioritize the facility's available resources over the child's specific needs. Special education is not a "place" - it is a set of services and supports tailored to a specific individual.

3. Systemic Liability for School Districts

Centralization does not reduce costs, it shifts them into high-liability areas. If a district cannot provide FAPE within its own community because resources have been "centralized" elsewhere, they face increased litigation and compensatory education claims. Furthermore, **NH RSA 186-C** places the primary responsibility for education on the local SAU. Regionalization creates a "diffusion of responsibility" that often leaves the most vulnerable students in a bureaucratic vacuum.

4. Violation of Disability Justice and Community-Based Inclusion

HB 1221 threatens to revive a dark chapter of New Hampshire history by prioritizing administrative convenience over the human rights of disabled citizens. Disability Justice dictates that "nothing about us without us" includes the right for students to remain visible and active members of their local communities.

- **The Harm of Institutional Logic:** Centralization relies on the "Medical Model" of disability, which views the student as a defect to be "fixed" in a segregated, specialized setting. We must instead uphold the Social Model of Disability, recognizing that the "handicap" is not the child's disability, but the school's failure to provide an accessible environment. Centralized hubs are modern-day institutions that isolate students, stripping them of their right to social capital and neighborhood belonging.
- **The Importance of Generalization:** "Generalization" is the ability to apply a skill learned in one setting to a different, real-world context. When we remove a student from their home district to a regional hub, we create a "siloed" learning environment. Skills learned in a segregated hub rarely transfer back to the student's home, neighborhood, or future local workplace. Forging connections within a student's own community is not a luxury; it is a critical necessity for long-term independence and adult transition.

Conclusion

New Hampshire has a proud history of moving away from the institutionalization of people with disabilities. HB 1221 is a regressive step toward the "Laconia Model" of the past. We should be investing in **Universal Design for Learning (UDL)** and increasing local capacity through **Adequacy Funding**, not creating segregated hubs that isolate our children.

I strongly urge you to vote **Inexpedient to Legislate (ITL)** on HB 1221. Our students deserve to be members of their communities, not line items in a centralized budget.

Respectfully Submitted,
Gretchen Fishman