



January 13<sup>th</sup>, 2026

Chairman Noble  
NH House Education Policy and Administration Committee  
Subject: Testimony in Opposition to 1586

On behalf of ABLE NH, a statewide grassroots organization led by people with disabilities and families, we work every day to make sure students with disabilities can fully access education, community life, and opportunity in New Hampshire. Many of the families we work with rely on special education services to ensure their children can learn, communicate, and participate alongside their peers. When those services are missing or delayed, the impact on students is real and immediate.

Students with disabilities have a clear legal and moral right to receive the services in their IEPs and 504 plans. When those services are not delivered, families deserve accountability, and schools must be required to correct the problem. That principle is not in question.

The concern with HB 1586 is how it attempts to enforce that responsibility.

This bill requires the Commissioner of Education to halt all sources of public funding to a public school whenever the school is found to be out of compliance with special education law, and to keep that funding frozen until the school is certified as compliant again. This creates an all-or-nothing enforcement system where even limited or temporary noncompliance can trigger a total financial shutdown.

Special education compliance is not a simple on-off switch. Schools can fall out of compliance in many common and predictable ways, including:

- A student's speech therapist resigns and sessions are missed while a replacement is hired
- A one-to-one aide is absent and no substitute is available
- Transportation breaks down and a student cannot access their specialized program
- An evaluation or re-evaluation is delayed because of staffing shortages
- An IEP team disagrees about what services are required while the dispute is being resolved

These situations do not mean a school is acting in bad faith. They reflect how complex it is to deliver individualized services in real classrooms. Yet under this bill, each of these situations could trigger the same extreme penalty: the loss of all public funding.

That approach risks making the problem worse instead of better.

Public funding pays for the very supports that make compliance possible. It pays for special educators, therapists, paraprofessionals, accessible transportation, assistive technology, and the systems that allow services to be delivered. When that funding is halted, schools lose the capacity to fix what went wrong. Staffing shortages grow. Services are more likely to be interrupted. Students face more instability, not less.

This creates a damaging cycle where noncompliance leads to funding cuts, and funding cuts make compliance harder to achieve.

We want schools to meet their legal obligations. But accountability should focus on fixing problems, not collapsing the systems that students rely on while those problems are being addressed. HB 1586 would turn ordinary service disruptions into financial emergencies, and students with disabilities would bear the cost of that instability.

Respectfully submitted,

Louis Esposito, Ed.D.  
Executive Director, ABLE NH